THE CASE OF THE BANKERS And their CREDITORS.

9.

More fully Stated and Examined;

AND

A second time *PRINTED*, with more then a

THIRD

Part Added.

Wherein the Property of the Subject in this and the like Cases is soberly asserted by the Common and Statute Lawes of *England*, His Majesties most gracious Declarations, by innumerable, great and Important Records of this Kingdome, by the Civil Law, History, Polity, Morality, and common Reason, and all Objections undeniably Refuted.

As it was incloſed in a Letter to a freind. By a true Lover of his King and Countrey, and Sufferer for Loyalty.

Ad Reges poteſtas omnium pertinet, ad ſingulos Propietas Seneca de Beneficijs, *Lib.* 7. *Cap.* 4. *&* 5.

In Angliæ neque per Se, aut Miniſtros ſuos ſubſidia, aut alia quævis ONERA, *imponit Ligeis ſuis ſine Aſſenſu totius Regni ſui in* PARLIAMENTO *ſuo expreſſo.* Lord Chancellor Forteſcue, *de laudibus Legum Angliæ, Cap.* 36.

Printed in the Year, 1675.

UMI

SIR,

IN Obedience to your Command, I have incloſed herein ſome Notions I had conceived of the Bankers buſineſs, and the calamitous dependants thereon. I remember you thought me (though concern'd enough) pretty warm in this Argument laſt time I diſcourſt it with you; and truly if hard uſages will make a wiſe man mad, the Effects they have upon a Fool (as I am) may well want a name. *I have I praiſe God in ſome meaſure weather'd out thoſe dreadful ſtorms which fell ſome years ſince upon the Loyal party, (as you know) though with little leſs then the Shipwrack of my perſon and Eſtate, and this (if I may ſpeak it without Oſtentation) I did with conſtancy and joy, for though I could ſee then nothing but Tempeſts and Hurricanes without me, yet my mind was alwayes refreſht with ſereneties and calmneſs, triumphing that I was thought worthy at any rate, to ſuffer for ſo glorious a cauſe. After his Majeſties Happy Reſtauration, though neglected and deſpiſed, as many of far greater merit than my ſelf likewiſe were, we did all however poſſeſs our ſouls with patience [a] (though wiſe men tell us that it was never accounted the beſt policy to diſmiſs well Deſervers, with the ſatisfaction only of their Conſciences, and the rewards of the next world.) And now when we and our miſerable Families had thought to have protracted (at leaſt) a contemptible life with thoſe poor remainders, and broken pieces of our Fortunes, behold in one moment thoſe alſo are raviſht from ſome of us by our friends. By what name ſhall I expreſs this treatment? ſhall I call it a violation of the Widdowes Mite? a Robbery of the Shipwrackt? or a breaking into the Alms-basket? no Sir, theſe reach it not, all Nature cannot furniſh me with a ſimilitude.

* Filius eſt pars patris.

[a] Plin. in Panyger. ad Trajanum imperat. Lipſij polit. Lib 4 Cap. 11. Raleighs Prerog. of Parliament in fine.

Sir miſtake me not, I would not be thought here to lay ſo great a calamity at the door of my dread Soverain (a Prince in his own free nature, and unforc't inclination not to be paralleld for all Royal Graces) no Sir, the Law teaches me to conceive more Honourably of the King's Juſtice [b] (by which His Throne is Eſtablisht) and tells me that whatſoever wrong is done to the Subject, is effected by miſinformations of his Majeſty, and pernicious Counſels.

[b] Pro. 16. 12.

Nihil aliud poteſt Rex in terris (ſaith [c] Bracton) cum ſit Dei miniſter & vicarius niſi id ſolum quod de jure poteſt. The King can do nothing ſeeing he is God's Vicegerent, but that which he may lawfully do. Rex hoc ſolum non poteſt facere, quod non poteſt injuſte agere (ſay the Judges in another Caſe) This one thing only the King cannot do, that he cannot do injuſtice (which yet is ſo far from impotency or imperfection, that it is a

[c] Bracton lib. 3. cap. 9. Cook 11. Rep. 72. a Magdalen col caſe.

Character also of the Divinity). And therefore Markham *Chief Justice of*
e 1 H. 7. 4. b. per Hussey ch. Justice d' Angleter. England *told King* Edward *the 4th. that he could not Arrest any man for a misdemeanour (as a Subject mought) because if the King did wrong, the party could not have his Action against him. We receive Life and Vigour from the influences of Heaven, but Distempers proceed from the Vapours of the Earth, which vapours yet can convey no infection into those Cælestial bodies: Even so sometimes the countenance of Princes may concur in the Execution of illegal advices, without sharing in the Obliquity and injustice of them.*

The Poets have a witty Fable of Tiresias, *the great Southsayer, that he foretold future events by the flying of birds, not that he did see the birds (for he was blind) but (say they) he had alwaies his Daughter* Manto *near at hand, who inform'd him of the manner of their flights, and according to her advertisements, the Father evermore divined: The Mythology or Moral of this Fable is oftentimes applicable to the best and most virtuous Princes, they hear with other mens Ears, they see sometimes thorough the Spectacles of other mens eyes, and according to the colour of the glass, so is the object represented to them; black or red, or perhaps white, whereas the true tincture of the thing may be clearly otherwise; and yet all this while the fault is not in the eye, but in the deceptive glass. If a false Light-house be erected near a dangerous Rock in the Sea, and in a dark and tempestuous night the Ship is steered that way, as to a safe Port, and thereupon suffereth wrack, no body can with any reason impute this misfortune to the error or incogitancy of the* Pilot, *or governour of the Vessel, but rather to the malice and falsity of this wicked invention. Upon this ground it is that* f Seneca (*a wise man, Tutor to an Emperor, and one that well understood what he wrote*) *breaks forth into that passionate interrogation,* Quid omnia possidentibus deest? ille qui verum dicat. **What thing only do they want which posses all things? Even (answers he) a person that will give them honest Advertisements.** *And therefore the Lord Chancellour* gBacon (*among many other his excellent Counsels to the late Duke of* Buckingham) *urgeth this following document to him with a warmer zeal then ordinary.* **In respect of the King your Master (saith he) you must be wary that you give him true information, and if the matter concern him in his government, that you do not flatter him; if you do, you are as great a Traytor to him in the Court of Heaven, as he that draws his Sword against him.** *King James* gives these persons no better names then of *Vipers* and *Pests to their Prince and the Common-wealth.* And that glorious Martyr *King Charles* the First, resembles them to base *Flies which hang upon prosperous Princes (as on Summer Fruits but Adversity* (saith he) *like cold weather drives them away.*

f Seneca de Beneficio Lib. 3. cap. 30.

g Cabala of Letters fol. 41.

h In his speech to the Parlium. 1628. see his works fo. 131 Εικὼν Βασιλικὴ Meditation 27. To the Prince of Wales.

This grievance of ours hath been represented to his Majesty under the pretence and umbrages of Royal Prerogative (*which in truth he is obliged*

to

to maintain) and of publique Emolument and advantage (which certainly are the most glorious Objects of Royal Prudence). With these and the like Blandishments, Sir this Chrystal Fountain of Justice hath been poyson'd and contaminated. This is the Coloquintida with which so unspeakable a Sweetness hath been imbittered, these are the Paintings with which so deformed an Advice hath been sophisticated. But let me tell you Sir, if in the sequel of this discourse I shall not clearly wipe off all these Varnishes and false colours, and effectively prove this Advice to be as mischievous to his Sacred Majesty as to his people, I shall think I have very meanly acquitted my self in this business.

I hope I shall not be thought to reflect herein, upon any person whatsoever, any farther then his own Conscience may scourge him in this particular. And I know there be many great and illustrious Hero's near his Majesty, (to whose service I could willingly sacrifice an hundred lives had I them) that do abominate so pernicious a Councel, Sir be assured these Worthies are not in the least measure concern'd in my Animadversions. 'Tis not for me rashly to touch heads irradiated with the Beams of Royal favour: For my part I meddle not with the person of any man, but with the Advice abstracted, Amo hominem, odi vitia, is a good Rule. And I praise God and the King, we live not now in an Age wherein it is more hazardous to discover an evil action, than to commit it, or wherein the justly accused shall take Revenge of the just Accuser.

Neither would I be understood here to erect my self into an Advocate for the Trade and mistery of Banking, A God's name where the Usuries of those people are by the King found outragious and illegal, let them be regulated and reduced to just moderations. All that I contend for is, that the Bankers (whose concernments are now apparently become ours) may by Opening the Exchequer be enabled to satisfy their just debts to their Creditors, that so the good and bad, the nocent and innocent may not thus be overwhelmed together in one and the same common Ruine.

Sir, let us not flatter our selves, posterity will assuredly discourse our Actions, with the same freedome that we do those of our Ancestors. Irridenda est eorum socordia (saith [k] Tacitus) qui presenti potentia credunt extingui posse sequentis ævi memoriam. The improvidence of those persons (saith he) is ridiculous, who think by present power to extinguish the memory of future Ages. No this cannot be, the voluminous Histories of all Nations which we dayly read and handle, prove this project altogether idle and impracticable. Certainly there abides in mankind an immortal principle, a Ray of the Divinity which naturally inclineth us to a desire of Glory, and to have our names guilded to all Ages in the eternal Records of Fame.

[k] *Analium lib.* 4.

Now Sir because you shall see with what Candor and fairness I will prosecute this Argument, I shall deduce my following Observations from the wisest

wiseſt Hiſtorians *and* Stateſmen, *from the greateſt and moſt glorious* Princes *that the world hath at any time afforded*, *from* Juſticiaries *of the moſt profound Learning*, *and chaſteſt integrity*, *nay from* bodies *of the* wiſeſt men *of this and other nations in conjunction*, *from* Parliaments *and their Determinations remaining with us upon* Record, (*Evidences ſo ſacred in the Eye of Law, that no averment may be allowed againſt them, or Tryal of them but by the teſtimonies of their own native Grandeur*) *and* (*becauſe I would take off all imaginable objection to the credit of my Authors*) *I ſhall produce only ſuch which have long ſince* departed this life, *which for that reaſon* (*as a wiſe* l *King was uſed to ſay*) *were the moſt* faithful Councellors **Such as theſe** (**as** m Iſocrates **tels us**) **cannot be daunted with fear, or blinded with affection, or corrupted with preferments.** *Theſe have indeed the character of true Councellors*, *which is*, n Ut non modo ne quid falſi dicere audeant, ſed etiam ne quid veri non audeant, *that they will neither dare to tell a falſity, or conceal a truth. That would rather* (*as* o Seneca *tells* Nero) Veris offendere quam placere adulando. *Offend by telling Truth, then pleaſe by deſtructive adulations and flattery. And laſtly, ſuch which* p Demetreus Phalereus *adviſed King* Ptolomy *to converſe with often*; *becauſe quoth he*, ibi quæ amici monere non audeant Reges, ea facile omnia poſſint reperire. *There Kings may diſcover thoſe matters themſelves, which poſſibly their beſt friends ſometimes dare not adviſe them to.*

l *Alphonſo King of* Caſtile.

Lipſii Epiſtola ad polit

m A. Nicoclem

n *Caſtellanus de Officio Regis.* Lib 1. cap 55.

o De clementia. Lib 2. ca. 2.

p Stobæus ſermone 46.

I know yet there be thoſe in the World will tell us. That Converſation *with the Dead, and the* Memoires *of former Ages*, *are Exerciſes both Melancholy and unprofitable*, *and adapted only to the complexions of contemplative Natures*, Clarkes *and* Book-Knights, *and I know not what. Me thinks theſe Gentlemen ſhould be a little quickned with a* Remarque (*no way contemptible*) *of the ſubtil* (9) Machiavil, *whilſt he admoniſheth us*, That there have ſeldome hapned any Miſfortunes to particular perſons, States or Empires but might have been prevented by a timely Reflection upon the Storyes of their own or forreign Countries. *And let theſe futile Objectors think what they pleaſe, Thoſe are to us aſſuredly the cheapeſt Experiences which we purchaſe at the peril and coſt of other Perſons and States, and in the viciſſitudes of humane Affairs it is twenty to one, but the ſame Cauſes will to the Worlds end produce the ſame or like Effects, as naturally as one ſeed produceth another of the ſame kind*, Sæcula & perſonæ intereunt (*ſaith he*) Cauſæ & Eventa eadem recurrunt. *Ages and perſons may change, but the cauſes and events of things remain alwayes the ſame.*

(9) *Machiavelli princeps. And* Philip de Comines *Lib. 2. ca. 6. expreſs in this matter.*

Sir, I have treſpaſt too far upon your patience already by way of Letter, I ſhall therefore only tell you here, that I have ſearcht (*as well as I could*) *into the moſt ſecret Receſſes of my own Soul, and notwithſtanding can find no Convictions within my ſelf, that* (*when rightly underſtood*) *I may be ſuſpected to have uttered in the following Diſcourſes, any thing inconſiſtent either with the Allegeance of a dutiful Subject, or the Honeſty of a true Engliſhman, that fears his God, honours his King, and loves his Countreymen, and upon that ſingle Aſſurance do now without farther Diſguiſings ſubſcribe my ſelf*

Grayes Inn April the 3. 1675.

SIR,

Your moſt Faithful friend and Servant

Tho. Turnor.

THE

Introduction.

THE Kings Debt to the *Bankers*, with the miserable consequences thereof, hath now for forty Moneths together exercised the world with matter, not only of discourse, but astonishment. For indeed who will not be startled to see the common Faith of a Nation violated, and a forceable breach made upon all that may be call'd Religious and binding, and this also in great measure, to the Ruine of Orphans and Widdows, and several even of those who with unwearied constancy resisted unto blood, and loss of whatsoever was dear unto them in defence of the Crown of *England*. I shall not here lanch out into the story of particular cases, that Theme will be infinite, and of force to endue * stones with speech, and (by a contrariety of Miracle) to confound the most eloquent with silence. The Calamity hath filled all places with Lamentation, Mankind is over whelmed with Instances thereof, what should I speak of the Sighes of the Decrepit and Labourer? The Groans of the Widdow, The Howlings of the fatherless? Alas! even Babes of a * Span long feel the dismal effects of this Advice, and though they cannot speak, yet express their sense thereof in Out-cries, and other the inarticulate Languages of Nature! Nay the very child unborn, that yet sleeps in the Loynes of its Ancestors, will have cause hereafter to prosecute this pernitious Councel with Execration and horror.

Parvi loquantur Dolores ingentes stupent Seneca.

Lam. 2. 20.

I doubt not but I have already Arrested my Reader with frequent Amusements, and he is by this time impatient to know what may be the reason of this unusual fervour and zeal? and wherefore a private passenger in the ship of the Common-wealth, should in this manner concern himself in the sayling thereof.

I answer, *First* that every Subject is obliged to vindicate, and propugne the Honour and Innocency of his Sovereign; and to cast the Envies and Malignancy of Pestilent Councels, upon the Donors and contrivers thereof; Men commonly burn Incence where evil Odours have been raised, and perhaps this duty could never be more seasonably exerted then in this present Case. For I should be sorry that this *Adviser* (as a person of great Honour and worth, said not long since, of one of them openly) *should like a Rabbit start out of its Borrough, and look about him, and*

than

than run in again, and hide himself, and think no body observ'd him. Certainly he is no good Minister or Servant that will throw the odium of his own evil actions upon his Lord and Master.

I answer, *Secondly* that all men are interested in the safty of the Vessel they are imbarked in, though all ought not to preside at the Helme: And pernitious Advices (like the falcities of the Turkish Alchoran) oftentimes gain strength by the prohibitions of disputing them. I know I shall be thought to broach a Paradox, if I should affirm that some moderate freedomes of this nature, have been sometimes Characters and marks of the happiest and most peaceable Ages of the world; and yet if this assertion be not in some measure true, we must abandon faith to all History: *For* (as the Lord (*a*) *Bacon* well notes) *such Liberties give vent and discharge oftentimes to popular discontentments, and besides the Prince is thereby instructed in what part the Subject is pincht and griev'd, when perhaps he shall attain this information no other way.* And therefore *Augustus Cæsar* (one of the (*b*) happiest and greatest Princes it may be that the Sun ever saw) when he was told at any time, that even his own person, and his Edicts were too boldly discourst of in *Rome*, would say (*c*) *Quod in Civitate libera, linguas quoque civium liberas esse oportere. That in a free city, the Citizens discourse ought also to be free.* And this candid profession of his, might possibly be no mean ingredient in the composition of his own felicities. (*d*) *Thuanus* writing to the great *Henry* the *4th.* of *France*, unto other Laudatives of that Princes Reign, adds this, as none of the meanest *Ea est Domine rara tuorum temporum felicitas* (saith he) *in quibus unicuique sentire quæ velit, & quæ sentiat eloqui licet. Such* (*Great Sir*) *is the rare happyness of your times, that in them every man may think what he pleaseth and speak what he thinketh.* And of the same complexion was that serene Age, in which the excellent Emperour *Trajan* Reign'd, as *Cornelius* Tacitus* (who was then living) affirms, from whom the said *Thuanus* seems to have borrowed the very individuall words before recited. I write not this in countenance of Clamour, and Scurrilities against those things which I have alwayes *reverend* and held sacred; but under favour, in our present case, where all Nature is big, and in Travel to be delivered of speech. I hope her voice shall not be stifled and suppresst.

Thirdly, I shall redargue this Objector, with that principle (which the Advisers of this calamity have thought so puissant) I mean Exigences, and invincible Necessity, a Necessity of no ordinary nature neither, but of near Allyance to that thing which we proverbially say breaks through stone-walls, that in hard winterly weather infuseth boldness even into Birds and Beasts, that also where Nature languisheth, and the means wherewith she should be supported are unjustly substracted from her. The old Comicke

(*a*) *Essay of Seditions and troubles Entropius lib.* 8

(*c*) Boterus de Politica. *lib* 7. *Ch.* 8.

(*d*) Thuani Epistola ante Historiam suam ad Hen. 4. Franciæ.

(*e*) Taciti Hist lib. 1. in proemio.

micke saith well *Τ'ἀργύριον ἐστιν αἷμα καὶ ψυχὴ βροτοῖς pecunia Anima, & sanguis est mortalibus. *Money is the life and blood of mankind.* To deprive a man wrongfully then of that little mony which he possesseth, what is it but to deprive him of his blood, yea of his life? I know the great and opulent men of the world cannot descend so low as to conceive how much it importeth poor men and their Families to be in a moment dispoild of all their subsistance, and to be bereav'd perhaps of a few poor wether-beaten, water-drench'd Reliques, which they had rescued out of the wrecks of their Fortunes in the late dreadful storm of Rebellion, but yet they may please to believe, that we are as much paind with the Pressures of our Little fortunes, as they are with those of their great ones, I speak this not out of any pride I take in comparing great things with small, but only to dispose my Reader to a favourable construction of my words, if my zeal may seem to transport me beyond the bounds of Decency.

*Lipsij. polit. lib. 4. cap. 11.

Lastly I am not altogether without hope, but that something possibly may happen to be said in this Scribble, that may conduce to the healing up this wound again. For the Physitians have a good Aphorism, *Primus gradus sanitatis, est novisse morbum. The first degree of health is to know the nature of the disease.*

I know some men are apt enough to alledge, that this case is the less considerable, because but a few persons are therein concerned. In this place I shall say no more, but that this Assertion is a great mistake. For first, *this* Money being expended for the defence of the Kingdome, it was laid out upon the publick Utility, and certainly it will be very disproportionable that the common advantage should be maintained by a private contribution, and upon this reason perhaps *a person of great Honour and prudence* not long since in an Audience of the whole Kingdome doubted not to affirm, *That this concern was little less then National.*

But because this may seem to many to be but a precarious Argument, and being founded upon a consideration of service and advantage, some time since done, may (in this ungrateful Age) prove but of mean Regard. I shall therefore Secondly, demonstrate this matter to be of *Epidemical* and *publick* concernment in point of continuing and *Permanent* Interest? In order to this, I will suppose that the King owes a *Banker* 1000 *l.* this *Banker* owes me the like summ, *I* owe as much to a third, he to a fourth, and so in *infinitum*, and the *Banker*, my self, and the third person, have little else to satisfie our Creditors than this 1000 *l.* which is owing severally to us. (which Case may be well supposed to have hapned since the stop of the Exchequer) *In* this case then *I* say, it will be most evident, that if the King never payeth the Banker, the Banker can never pay me, or *I* the third person, or he the fourth, so that by a necessary chain of Consequences, the 4*th.* person and his Creditors in

infinitum, are as much grieved by the Kings non-payment of the Banker, as I my ſelf, who am the Bankers immediate Creditor. For as I ſaid before) *Money is the blood of the Body Politique*, and we know if the circulation thereof be ſtopt in one Member, that blood can never be tranſmitted to the neighbouring Veins, and thereupon not only that part, but the whole body in fine becomes Feavouriſh and languiſhant. The like may be ſaid More eſpecially of *Merchandiſe*, and the *Univerſal Trade* of the Kingdome, of *Rents*, *Executorſhips*, *Legacies*, &c. And I doubt not but every man's conſideration, and the particular intereſts of moſt perſons, will furniſh them with infinite inſtances of the like nature, in a very ſhort time.

But if this reaſon prove not ſufficiently prævalent in this matter, I muſt be inforc'd to go a ſtep higher, and to ſay, Thirdly, That if this proceeding fal out to be an Invaſion of the Subjects Property (as I think I ſhal anon prove it is) then I ſay every Individual Perſon will be intereſſed in the Fate of this Cauſe. For by the ſame reaſon that the Rights of * Ten thouſand Families may be violated, the Rights of Twenty thouſand may, and ſo in *infinitum*. We ſee Men do uſually take themſelves to be concern'd, though the Fire be a Door or two from their own houſes. And I think it is obvious to every man, that the publique and Parliamentary Cares and wiſdom of this State, have been extended in point of redreſſing Grievances, not onely to bodies of men, in number much inferiour to *Theſe*; but oftentimes even to particular perſons, where the Preſſures have been Enormous. Certainly * the *Laws* of England, and eſpecially thoſe of *Propriety* are the *Arteries* and *Ligaments* which hold together this *Body politique*, which may not be cut a ſunder or looſned without a manifeſt *Perril* to the whole. By theſe Lawes his ſacred *Majeſty* is entitled to his *Regal Authority*, and the *Services* of his people, to his mighty *Revenews* of *Cuſtoms*, *Exciſe*, *Hearth mony* &c. and to all his Royal *Prerogatives*. Take a way theſe *Lawes* what will become of *Peerage?* *Ranks* or *Degrees* of men? What aſſurance of *Life*, *Liberty* or *Eſtate* to our *ſelves* or *Poſterities?* What diffcrence between *Good* or *Evil?* *Juſt* or *vnjuſt?* Every man will have equal *Right* to every thing, and in ſuch *Confuſion* tis great odds but thoſe which *poſſeſsmoſt* will ſuſtain the greateſt *Inconveniencies*; And *yet (if I may ſpeak a Truth freely) this Debt to the Bankers is made good to the Subject, by Lawes of the very ſame Parentage and Vigour, by Common Lawes, Statute Lawes, yea & by that mighty Additional Security of the Royal gracious Declarations. I do not ſay this Debt (like Paradice) was guarded with Cherubims, and a flaming ſword turning every way, but (under good favour of the Adviſor) I do ſay, that no Subject of England had his Life or Property ſecured with ſtronger Humane Defences then this Debt was.*

Theſe

* The Principal Creditors of the Bankers have been computed to a number, little inferior to this, the Conſequential Creditors are innumerable

* And ſo declared by King James & King Charles the firſt, See for this 1 Jac. cap. 2. And the Exact Collection of Declaration 28, 29.

These things premis'd, *I* shall now forthwith address my self to the main business. In the Argument whereof *I* shall observe these Gradations, or Steps.

1. *First*, *I shall shortly put the case* (*as it now stands*) *between the King and the Bankers.*

2. *Secondly*, *I shall prove that by this* Councel *of stopping payments in the Exchequer*, *the Subjects Property is invaded at Common Law.*

3. *Thirdly*, *that hereby it is invaded contrary to the Statute Law.*

4. *Fourthly*, *that this councel is expresly contrary to his Majesties gracious Promises and Declarations*, *Printed and promulgated by His own especiall command.*

5. *Fifthly*, *I shall by undeniable Records prove that the Parliaments of Old*, *have solicited and effected the Opening of the Exchequer in cases*, *for Nature*, *infinitely inferiour to our present Case of the Bankers &c. I shall produce out of our own Anthentique Histories Instances of sundry Princes of this Realm*, *that have paid Old Debts even of their Predecessors*, *and this freely*, *and upon their own Native Impulses*, *As also of some of them which have restored Monies to their Subjects*, *exacted from them by illegal Courses. That Parliaments have been heretofore sometimes cal'd only and singly for redressing Greivances of this*, *and other Natures*, *And sundry Important Presidents thereof voucht out of Records.*

6. *Sixthly*, *I shall at large answer the grand Objection of Necessity*, *and National danger* (*supposing too our fears to be at that time just*) *And shall prove by sundry Records and otherwise that the Subjects Property is not violable*, *or to be altered*, *but by his own consent*, *in cases of far greater National Danger then this was. I shall enquire into the Decisions of the* Civil Law *in the like case. I shall answer*, *the Rapines of* Ed. 1. *and* 3 *upon the Subjects Money in the Churches & Abbies and else where. And because I would take up this Objection by the Roots*) *I shall then shew what courses the Law hath Provided for preservation of the King dome*, *where the Danger is instant and cannot stay for a Parliament.*

7. *Seventhly*, *I shall prove that this* Councel *is contrary to the Policies hitherto used by the wisest Forreign States of the World*, *in far greater Exigences then ours. I shall answer the Objection of some Princes not repaying Money lent them by their Subjects*, *to retain them in better Obedience.*

8. *Eightly*, *I shall prove this* Councel *to be contrary to common Reason*, *and in some respects to violate the Rules of Humanity. That it is pernitious to the credit of his Majesties Exchequer. Then I shall truly state the case between* Phillip *the* 2. *of Spain and the Bankers of Genoa*, *and shall prove that case essentially different from ours.*

And Lastly, shall frame a conclusion upon the whole matter. In the Debate where of I must all along so consider Brevity and my Readers patience, as I must much more consider the Dignity and Importance of my Subject and Argument.

SECT. 1.

The Case put between the King and the Bankers.

I Think it is now evident enough to every man that understands any thing, that the concerment of the Bankers is now become the concernment of their Creditors, and that both their Interests are common, and so inseperably twisted together, that the Prosperity of the latter, will depend altogether upon the Fate of the former. Insomuch that if the Banker never receive his Debt, I do not in probability see how he will be able to satisfie his Creditors: we are therefore by invincible Necessity obliged to maintain the right of the Banker, and in order thereunto I will now put his Case, which in short is no more but this.

The Case.

A Banker lends to the King an hundred thousand pounds, more or less; this mony is secured to the said Banker upon the Customes, or any other Branch of the King's Revenues, &c. by Order Registred in the Exchequer, or by Tally of Loane, or both, and then the King (upon the Warlike Preperations of our neighbour Princes and States) is advised to make stop of all Payments out of the Exchequer, which is executed accordingly; whether by this Councel executed, the Subjects property be invaded? and I clearly conceive it is.

SECT. 2.

That by this Councel of stopping Payments out of the Exchequer, *the* Subjects Property *is invaded at Common Law.*

IT is an Essential principle of the Law of this Realme *That the Subject hath an undoubted Property in his Goods and Possessions*: Otherwise there

there shall remain no more Industry, no more Justice, no more Valour, for who will labour? who will hazzard his person in the day of Battail for that which is not his own? How can the Subject by any Act of Bounty ingratiate himself with his Sovereign? *The Kings of England* (saith a great * Assertor of Prerogative) *have always claim'd a Monarchy Royal, and not a Monarchy Seignioral, under the first* (adds he) *the subjects are freemen, and have propriety in their Goods, and freehold in their Lands, but under the latter they are Villains and Slaves, and can call nothing their own*, Neither was this Right of Property introduc't here, by any Charter or Edict of Princes, but was the old Fundamental Law, springing from the Original Frame, and first Architecture of the Kingdome (a) There were manifest Footsteps of this Law in the British, Roman, Saxon and Danish Governments here, nay it was of that vigour and Puissance to survive even the very Norman Conquest; To prove which I shall crave leave to produce this following short memorable Record. *One* Shirboorn *a Saxon at the time of the Conquest, being seised of a Castle and Lands in* Norfolke, William *the Conqueror gave the same to one* Warren *a Norman, of principal Quality*; Sherboorn *dying, his Heir shewed to the Conqueror that he was his Subject, and that he ought to Inherit the said Castle and Land, by vertue of that Law which he himself had Established in* England **In this Case the Conqueror gave judgement for Sherboorn against Warren, and pronounc'd his own former gift void.** See for this *Cambden* in his description of *Norfolk*. And Sr. *John Davis* Rep. 41. a. The Case of *Tanistry*. And there it is said by Judge *Calthrop*, that he himself had seen an Authentique Coppy of this Judgement.

Sr. Jo. Davis Rep. 40. b.

(a) Lambards Archaion. Fortesc. de laudibus Legum Angliæ, cap. 17. Dugdales *Origines Juridiciales* Infinite Authorities there quoted to prove this, See there Fol. 5, 6.

For indeed the Common Law is not more solicitous of any one thing then to preserve the Property of the Subject from the Inundation of the Prerogative. And therefore the King may not grant Commission to dig for Salt-peter in a Mansion house, or Barne fild with corne, without the Subjects Consent, though for the publick Benefit. Resolved by all the Judges of England 4. *Jacobi* (this point being referr'd to them by that King upon a complaint then made in *Parliament*) Cokes 3. Institutions *fol.* 82. 83. Cokes 12. Rep. *fol.* 12. So the King cannot take Gravel (for the reparing of his houses) in the Inheritance of the Subject, *Maugre son Soen* (saith the book) against his will, 11. *H.* 4. 28. a. So likewise where a custome is to pay Toll for all Cattle that shall be driven over a common Bridge, this Custome shall bind the Subject but not the *King*; but where a Custome is to pay Toll for all cattle that shall be driven over a mans private Freehold, there the Custome shall prevail against the Prerogative, and what's the Reason of all these Cases? why, because the Law will not allow the King to invade the Subjects Inheritance and Pro-

perty without consent and compensation, For this last Case see the expres Book of 46 of *Ed*, 3. cited in *Plowden* 236. *a*. The Lord *Barkley's* case. Many other cases of this nature are there recited, and in other Books of our Law, which for brevity I forbear to mention.

To come then to the Hinge upon which this point turns, I do lay this down for an indispurable ground. *That the Law and Usages of the Exchequer are Branches of the Common Law of this Land*, and so is the Lord Chancellor Egertons *Postnati pag*. 33. and 38. *Plowden* 320. *b*. and 321. *b*. The Case of *Mines*, and *Cook's* 2d *Report* 16. *b*. *Lanes* case adjudged. Now then *by the Law of the Exchequer, when the King hath charged himself to the Subject by Talley and Liberate* (as in our case) *to pay a sum of Money out of his Customes or any other branch of his Revenue, and his Collector hath received this Revenew; this money though at first it appertains in property to the King, yet as soon as ever the Kings Creditor comes to this Collector, and shewes him his Talley and Liberate, and demands payment accordingly, the property of this money* (to the proportion of the Debt) *by meer operation of* * *Law, is transfer'd out of the King into the Collector or Receiver, and in an instant becomes the proper and personal Money, I say the* **Proper and Personal Money** *of the said Collector, or Receiver; in respect of his charge over to the party*. And so it is clearly affirmed by all the Judges of both Benches *Plowden* 186. *a*. Lord *Darcyes* Case.

* Fortior est dispositio Legis qu. mhominis.

And therefore if the King grant a summe of Money to *J*. S. to be received out of his Customs of *London*, I say that by the delivery of the Talley, Liberate, and Assets in the hands of the Customer, the Customer is become a Debtor to *J*. S. and he may bring his Action of Debt upon this matter against the Customer. *Coke's* 4 *Institutes*, 116. *F. N. B*. 121. *F*. 21. *H*. 6. *Fitzh. Debt* 43. 27. *H*. 6. 9. *Fitzh. Bar*. 314. *Brook Talley a' Exchequer*. 1. 37. *H*. 6. 15. *Brooke ibid*. 3.

Nay in such case if the Receiver dye, the Action will lye against his Executor. And therefore where the King had granted a Fee by Patent to the Clercke of the Parliament to be received out of the profits of the Hanapar, and the Clercke of the Hanaper dyed, yet adjudged that Debt would well lye against his Executor, because so much of the Kings money was altered in property in the hands of the Testator, and yet here was no Contract, Privity in word, Suit or Execution of Law between the King and Testator, or Executor, 2. *Hen*. 7. 8. *b*. *&c*. *Fitzh. Bar*. 124. *Plowden* 36. *b*. and 186. *a*. So if the King assign Talleys upon the * Dismes to his Creditors, and they shew them to the Collectors of the Dismes, the King is hereby discharged, and the Collectors are charg'd, and the King cannot pardon the Collectors, or the Clergy which granted the Dismes. 1. *Hen*. 7. 8. *a*. *Brook Charter de pardon*, 37. Nay so careful is the Law of the

* A certain ancient Taxe imposed by Parliament.

Sub-

Subjects Property in ſuch caſe, that if after a like grant of the Diſms, the King ſhould dye, yet the Collectors are chargeable to the King's Grantee and not to his Succeſſor. 1. *Hen.* 7. 8. *a. per omnes Juſtitiarios. Brooke Quinzime* 7. *Fitzh. Quinzime.* 2. *Brook Talley d'Exchequer.* 5.

Nay I ſhall go yet one ſtep higher, If a King Uſurpor do make a like Aſſignement, and then is depoſed, yet the rightfull King is bound by this Aſſignement [*pur ceo* (ſaith the Book) *a cheſcun Roy appertaine al faire Juſtice, & d'executer les Leyes*] *Becauſe every King is obliged to do Juſtice, and to execute the Laws.* For this ſee Judge *Jenkins Centuria* 4ta. *Caſus* 21. 9. *Ed.* 4. *Brooke patents.* 21.

Object. If it be Objected. Ay but this Security by Talleys is now become *Obſolete & antiquated*, and you cannot ſhew me any late Preſidents where Debt hath been brought in this nature, upon a Talley.

Anſw. I ſhall not here demand of the Objector to what End Talleys at this day are ſtrucken to the Subject for the Kings Debt, (though we know yet, that Nature and the Law do nothing in vain) neither ſhall I tell him that in the Reign of Queen *Elizabeth* and after, this ſecurity was reputed Sacred, and ſo never violated, Or that by the ſame reaſon of Arguing ſeveral other old ways of proſecuting mens Rights (*as writs of Treſaile, De Recto Recti, De Odio & Atia*, &c.) muſt be likewiſe extinguiſhed (*which are not*) Or that of late time Orders regiſtred, have had the preference, as being National Securities. But that which I rely upon is this. That it is moſt evident from the Caſes above cited, that this courſe of grounding Debts upon Talleys was in thoſe times undeniable Common Law, then I muſt challenge my Objector to ſhew me by what Statute Law this was repeal'd (the which I am ſure he can never do) and therefore I muſt tell him that our * Books ſay, it is a Maxime, that the Common Law of *England* hath no Controller but the High Court of Parliament, and that if it be not abrogated by Statute, it can never be loſt by Deſuetude, & *non Vſer.* But beſide, this Old Learning of Talleys had its youth renewed not many Yeares paſt in the Caſe of * *Chory* and *Thinne*, where it was adjudged, that **Debt would lye upon a Devaſtavit againſt an Executor**, *de Bonis proprius*, in which Caſe, the ſaid Caſes of Talleys were affirm'd for good Law, and upon the Reaſon of them the Judgment was founded in that principal Caſe. And three Years after this very point was affirm'd in a Writ of * Error between other partyes, upon the ſame Reaſon.

* Littleton ſect. 170. Cokes 1. Inſt. 115. b.

* Enter. Mich. 1655 B. ſupetion. Rot. 1611.

* Trin. 1658. Banco. ſup. Clethero. v. Thinne.

Object. Now if any man ſhall farther ſay to me. Sir you have abundantly prov'd the ſtopping of the Exchequer, to be an Invaſion of Property as to the Collector and Cuſtomer, and the like by the Common Law, but nothing at all as to the Banker or his Creditor, which was the poſition you undertook to maintain.

Anſw.

Anſw. To this Objection, I give this plain Anſwer. *That the ſtop of the Exchequer to the Collectors, Cuſtomers,* &c. *is by inevitable Conſequence a ſtop to the Bankers and their Creditors, (and ſo likewiſe* Their *Property violated) becauſe by this Obſtruction the* Collector, &c. *is diſabled to ſatisfy the* Banker, *and the* Banker His *Creditor, and that Creditor* His *Creditor, and ſo in an infinite rotation throughout the Kingdome, juſt as where the Grandfather or Father* (ſome years paſt) *were diſpoild of a great Eſtate for their Loyalty to the* Crown *of* England, *this was an injury and dammage to the Son alſo, and all their miſerable Line to the worlds end will feel the Anguiſh and effects thereof.* Or *(becauſe this is the Hinge of the caſe as to the Common Law, and I would make it plain) I will ſuppoſe twenty Mills to be built upon one River, each of them in ſequence one below the other, a perſon comes and damms up this River, or diverts the Current thereof into a new Channel; I do ſay that by this Diverſion or Obſtruction of the Stream, the 20th. Mill is injured as well as the firſt, becauſe (if there were no Impediment) that water which comes to the firſt Mill would at the long Run arrive to the twentieth.*

In ſo plain a caſe I need not make any Application, or indeed uſe any farther Argument as to the Common-Law-part of this diſcourſe. I ſhall therefore cite but one other caſe, and that a far ſtronger one then ours, and then diſcharge my ſelf of this Section.

The Caſe is *Mich.* 1. *Hen.* 7. *Fol.* 3. *b.* and abridg'd by *Fitzherbert Bar.* 122. [*Touts les Juſtices fueront al* White Fryars *pur lour Fees,* &c. ſaith the Book] All the Judges were aſſembled at *White Fryars* to conſult about the payment of their Salleries which were behind. And their Caſe was this. By a * Statute made 18. *Hen.* 6. it is Enacted that the Cuſtomers ſhall pay the Judges their Salleries, out of the firſt Moneys ariſing out of the Cuſtomes of *London.* And then *Richard* the third grants Licenſe to certain Merchants to carry Wools, and to retain the Cuſtoms thereof in their own hands (which was as it were a little diminutive ſtopping of the Exchequer as to the Judges in this Caſe) And the queſtion was whether the Cuſtomers ſhall be chargeable to the Judges for thoſe Reteinments of the Merchants; and after mature debate, *Reſolved by them all, that the Cuſtomers were chargeable even for thoſe Reteinments, though they never came to their hands*; and in the end of that caſe, it is ſaid, that the Judges deſign'd each of them to bring his Action againſt the cuſtomers, which they perceiving, they forthwith agreed with the Judges to pay them their Salleries.

* Rot. parl. 18. *H* 6. numer. 27.

Now

Now any man that shall well consider this Case will find the Reason thereof to be, because *though the King had granted the Privelege of reteining the Customes to these Merchants, yet in contemplation of Law, the Customers did still usually receive those Customes, and so were chargeable to the Judges* (like the case I put before of 1 *Hen.* 7. 8. *a.* where the King remitted the Dismes to the Collector, or Clergy) and the rather in this case, because this private License of the Kings shall not prevail over an Act of Parliament, which had secured unto them their Salaries out of the Customes, which leads me to the next position which I have propoled to assert, which is.

SECT. 3.

That by this Councel of stopping Payments in the Exchequer, the Subjects Property is invaded against Statute-Law.

OUr (*a*) Books tell us (and not without Reason) That the Parliament, (*Est un Court de tresgrand honor & Justice, de que nul doyt imaginer chose dishonourable,*) is a Court of thrice great Honour, and Justice, of which no man may presume to think a dishonourable thing. (*b*) *Crompton* calls it (*Le treshaut Court d'Angliterre*) *the thrice High Court of* England *per Excellentiam.* And we cannot but suppose (saith the Lord Chancellor (*c*) *Fortescue*) that Statute Laws carry with them no mean force as well as Wisdome, (*Dum non unius aut centum solum consultorum prudentia, sed plusquam trecentorum electorum, &c.*) When they are the results not of the prudence of one or two or three hundred only of the Select men of the Kingdome, but of a far greater number. In this (*d*) Or be the King (like the Sun) shines in the Exaltation of Majesty and Grandeur, invironed by the illustrious members of both Houses, and from the Conjunction of this Great, and Lesser Lights, propitious and refreshing Influences are derived to the whole Kingdome. The Acts of this Court are the highest (*e*) Securities this Nation can give, and such Securities that do in themselves comprehend the Universal Consent of all Mankind in this Realme, as well future as present, And (which is the greatest Ensigne of Sublimity) no Appeale lyeth from this Court, nor can the Judgements thereof be reversed by any other humane legal power, then by Parliament.

(*a*) Plowden 198 *b. Earle of Leicesters case.*

(*b*) *Crompt. Jurisdict.* 10 *b.*

(*c*) *Fortescue de laudibus legum. Angliæ. cap.* 8. Dyer, 60. *a.*

(*d*) *Crompt. Jurisdict.* 10 *b.*

(*e*) Hobart, 256. *Ducombs case.* 21 *Hen.* 7. 4. *a* & 1. *b.* per Vavasor. & Butler.

I ſhall not here inſiſt upon the *Grand Charter* of our Liberties, or upon any other Bul-works of *Propriety* of that nature (though poſſibly pertinent enough to my purpoſe) but ſhall rather chooſe at preſent to apply my ſelf to a *Statute-Law* of much freſher date and memory and deſign'd for the Relief of this very particular Caſe. And that is the *Statute* of 19th of His now Majeſty *Chap.* 12. which I ſhall recite (ſo far as it concerns my purpoſe) *verbatim.*

Whereas it hath been found by experience upon the late Act for Twelve hundred and fifty thouſand pounds, made at Oxford, *and other Acts of Parliament ſince that time, that the power of Aſſigning of Orders in the* Exchequer *upon thoſe Acts, without Revocation, hath been of great uſe and advantage to the perſons concerned in them, and to the Trade of this Kingdome, and given great Credit to His Majeſties Exchequer: Be it Enacted and it is hereby Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled,* That every perſon *or* perſons, *Native or Forreigner, Bodies Politique or Corporate,* to whom any Moneys ſhall be due in your Majeſties *Exchequer,* and ſhall have any Order Regiſtred in the Office of the Auditor of the Receipt, for the payment thereof out of any branch of your Majeſties Revenue; *That ſuch perſon or perſons, Native or Forreigner, Bodies Politique, or Corporate, their Succeſſors, Executors, Adminiſtrators or Aſſigns, reſpectively, by Endorſement of their Order,* may Aſſign *and transfer* their Right, Title, Intereſt and Benefit of ſuch Order, *or any part thereof, to any other; which being notified in the Office of the Auditor of the Receipt aforeſaid, and an Entry and Memorial thereof alſo made in the Book of Regiſtry aforeſaid for ſuch Orders (which the Officers ſhall on requeſt accordingly make) ſhall Entitle ſuch Aſſignee, his Executors, Adminiſtrators and Aſſigns, or Succeſſors reſpectively,* **To the benefit thereof, and payment thereon.** Now it will be plain to any man that ſhall conſider this Statute, that the Parliament doth the ein admit an unqueſtionable duty of the Mony, to the Lenders in the *Exchequer.* (for ſo are the words, Every perſon to whom any mony ſhall be due in your Majeſties Exchequer, *&c.*) and the makers of this Act, could never mean that Nothing ſhould be transfer'd to the Aſſignee: For indeed all the Powers of the Univerſe can never make me * Donor of that which never appertained to me, nor I never had in me to give, And therefore this Money muſt firſt of Neceſſity veſt in my ſelf in point of Property, before I can transfer it to another perſon, ſo then if this Law ſecure this money to my *Aſſignee, a multo fortiori* to my ſelf. Now that this Statute ſecures this Money to my *Aſſignee,* I ſhall prove by three unanſwerable reaſons (as I ſuppoſe) all drawn out of the Bowels of this very Law it ſelf.

* *Nil dat quod non habet.*

Firſt,

First, the Inducements of this Statute appear in the preamble thereof to be. *Advantage to the persons concern'd.* To *the Trade of the Kingdome, and also great credit to the Exchequer.* Therefore the makers of this Law could never design a transferring of the Husk or shell only, that is of the Order or Paper, but even of the Fruit it self, I mean the Money in *specie*, for that is it which carryes the Advantage, the Trade, and the Credit with it, and not the Order or writings as many of us find by wofull Experience.

Secondly, there is no man doubts but that the Moneys lent upon the *Oxford Act* of 17. *Car.* 2. *cap.* 1. for 1250000*l.* And upon the *Pole-Mony*, *Bill* 18. *Car.* 2. *cap.* 1. And upon the *Act* of 19. *Car.* 2. *cap.* 8. *for* 1256000*l.* were unquestionably secured to the Assignees of the Lenders by those several Acts; why then I say that all Moneys since that time Lent into the *Exchequer*, and charg'd upon any branch of the King's Revenue, are equally secur'd to them by this Act and that not only *First* because this Act in the preamble thereof refers expresly to those other Acts; But *Secondly*, (then which I think nothing can be plainer) *because the Moneys secured by this Act to the Assignees are secured with almost all the same numerical, identical words, with which the Moneys lent upon the three other Acts are secured:* And this will be obvious to any person that shall curiously compare all these Acts together, to the which for brevity sake I am inforc't to refer my *Reader*, and do accordingly request him to resort thereunto.

Lastly, this Act declares in expres terms, that the Assignees of such Orders for Money due in the *Exchequer*, their Executors Administrators and Assignes in *infinitum* shall be Entituled **To the Benefit of such Orders, and Payment thereon**, which words being so plain, that he that runs may read, and wrote as it were with a Beame of the Sun, I think there can be no place left for farther Cavil or subterfuge in this matter.

I had almost forgot to observe that this Law (the King being therein concerned) is a *(f)* general Act of Parliament, of the which not only the Judges, but even every individual Subject of this Kingdome ought to take knowledge of course; for as the inferiour Members (saith the Book) cannot estrange themselves from the actions and passions of the Head, no more can any Subject be a stranger to the concernments of his Sovereign. This I would add to those Answers I gave before to the Objection that this affair was private, and that few persons were concern'd in the present Case of the Bankers and their Creditors, now I proceed.

(f) Cooks 4th. Rep. 77 a. Holds case. Plowd. Lord Barkley's case, Ibid. Wimbishes case.

SECT. 4.

That this Counsel of stopping up the Exchequer, is expresly contrary to His Majesties gracious promises, and Declarations Printed and Publish't by His own especial command.

MY design all along in this discourse being to discover the pestilence and mischief of this Councel, in relation as well to his Majesty as his people. I cannot with better advantage discharge my self of the Province I have undertaken in this Section, and manifest how unhandsomly his Majesty hath been treated by this Advisor, then by considering a while the Sanctimony of Promises among Princes.

Nothing then I say is more sacred or tremendous among Princes then their publick Faiths and Declarations, Because in these Cases the *Prince* evermore stakes down his *Honour* and * *Divinity* as *Hostages* or *Pledges* for just performance, and in all Breaches of *Stipulation* and *Compact* the *Hostage* or *Pledge* usually is lost and forfeited. This the Emperour *Tiberius* understood well when he said (*a*) *Cæteris mortalibus in eo stant consilia quod sibi conducere putant, Principum vero,*&c.] *Inferiour persons may order their Councels, as they best sort with their advantages, but the condition of Potentates is different, whose actions are principally to be directed to Fame and Glory.* And for this reason Q. (*b*) *Elizabeth* in her private Letters to K. *James*, was used to admonish him *that a Prince must be such a lover of Truth, that more credit may be given to his bare Word, than to anothers Oath. I can more willingly lose my Crowns* (*saith that glorious King and Martyr* (*n*) *Charles the First*) *then my Credit, Nor are my Kingdomes so dear to me, as my Reputation and Honour, those must have a period with my Life* (*continews he*) *but these may survive to a glorious kind of Immortality, when I am dead and gon; A good Name being the Embalming of Princes, and a sweet consecrating of them to an eternity of Love and Gratitude among posterity.*

* Reges sunt Dii terrestres.

(*a*) Tacit. Ann. lib. 4.

(*b*) Cambd. and Baker vita Elizab Reginæ.

Εἰκὼν Βασιλικὴ. n Meditatione 15.

And we know that the man after God's own heart, and a King too, writes, (*c*) *He that promiseth to his Neighbour and disappointeth him not, though it were to his own hinderance.* I do never without Admiration think of that great saying of *Charles* the 5*th.* (Emperour,) when he, was prest to break his word with *Luther*, for his safe return from *Wormes*

(*c*) Psal. 15. 5.

(*d*)

(d) *Fides rerum promiſſarum* (quoth he) *etſi toto mundo exulet tamen apud Imperatorem eam conſiſtere oportet*] Though the faith of promiſes ſhould be baniſht out of the world, yet it ought alway to find Sanctuary in an Emperours breaſt. And to this vertue even (e) *Campanella* the Jeſuite doth vigorouſly adviſe *Phil.* the 2d. of *Spain*, for nothing ſaith he doth more effectually oblige the Subject to the Prince then fidelity of Promiſes. By this means (continues he) *Alexander Farneſe* Duke of *Parma*, contain'd the Netherlands in Obedience to *Spain*, whereas the Duke of *Alva* by the contrary courſe loſt them. And this will not ſeem ſtrange to a man that ſhall conſider, that [*Fides* (as *Tully* ſaith) *eſt juſtitiæ fundamentum.*] Faith is the Foundation upon which juſtice is built, [*Juſtitia vero nulla eſſe poteſt* (ſaith (g) *Boterus*) *niſi conventionum fuerit, & promiſſorum certa fides, ac neceſſaria ſolutio rerum creditarum*] But there can be no juſtice without performance of promiſes, and fair ſatisfaction of Debts. And this moſt of all in the caſe of Princes, [for (as (h) *Bodine* affirms) *Cum ſummus Princeps mutuæ fidei inter privatos ac Legum omnium ultor & vindex eſt, quanto magis datam a ſe fidem ac promiſſa ſervare tenetur*] For when a Prince is himſelf to avenge the violations of Faith and Lawes among his Subjects, how much more then ought he himſelf to obſerve his own Faith and Promiſes: And in this very point he voucheth there a judgement of the Court of *Paris* againſt *Charles* the 9th. of *France*, and a little after adds, [*Itaque in Judiciis cum Fides principis agitur, &c.*] Therefore ſaith he, when the Faith of a Prince happens to be debated in Judicature, we are rather to conſult the benefit of the Subject, and in ſuch caſe to treat the Prince more ſeverely. *Regum eſt* (ſaith the illuſtrious (i) Grotius) *religioſe Fidem colere, primum Conſcientia, deinde & Famæ cauſa, qua ſtat Regni Autoritas. Ne dubitant igitur eos, qui ipſis fallendi Artes inſtillant, id ipſum facere quod docent. Non poteſt diu prodeſſe Doctrina qua hominem hominibus inſociabilem facit, adde & Deo inviſum. Itaque Fide ſublata Principes feris erunt ſimiles, quarum vim omnes exhorrent* (ſaith (k) Tully.) Certainly Kings are as Gods upon earth, *Et cum Deus ſemel locutus eſt*, And when God hath once ſpoken the word, this Promiſe is not to be altered. *Ego ſum Deus & non mutor.*

(d) Xenocrates vita Caro. li. 5.

(e) Spaniſh Monarchy C. 27.

(f) Cicero 1. Ofic.

(g) Boterus de politia. lib. 2. c. 6.

(h) De Repu. Lib. 1. c. 8. Forteſcue c. 37.

(i) De Jure Belli et pacis Lib. 3. cap. vltimo.

(k) Cicero pro. Q. Roſcio.

And this indeed is no more then what the municipal Lawes of this Kingdome (l) warrant, which ſay, that the Grants of the King are to be Expounded liberally, and with all imaginable favour to the Subject, for the Honour and Dignity of the King, as alſo that the King's *Teſte Me ipſo is Recordum Superlativum, a Record of the higheſt Puiſſance and grandeur.* I have the more largely here dilated upon this Subject, that I might with a greater clearneſs diſcloſe the Poyſon of this Advice, it being ſo apparently contrary to his Majeſties moſt gracious promiſes and

(l) Cooks 11. Rep. Magdalen Col. ledge caſe.

Declarations Printed and promulgated by his own immediate Order, and particularly that of the 18th. of *June* 1667. (of the which ſeveral Copies then Printed were preſerv'd by my ſelf and others, as the higheſt Muniments and Securities for our Monies in the Bankers hands.)

Th s is ſtiled *His Majeſties* Declaration to all his loving Subjects to preſerve inviolable the Securities by him given for monies, and the due courſe of payments thereon in the Receipt of the Exchequer.* In this Declaration (about the middle) theſe very numerical words following are inſerted. *And that we will not upon any occaſion whatſoever, permit or ſuffer any Alteration, Anticipation, or Interruption to be made of our ſaid Subjects* (that is, of the Bankers) *Securities, but they ſhall from time to time receive the moneys ſo ſecured unto them (upon ſeveral branches of the Royal Revenue, and other late Acts of Parliament* ſaith the preamble *in the ſame courſe and method, as they were charged and ought to be ſatisfied.* Immediately after follow theſe remarkable words, *which Reſolution we* ſhall *likewiſe hold firm and ſacred in all* Future *Aſſignments and Securities* to be *by Us granted upon any* Other *advance of money by any of our Subjects.* (note this is general) *upon any* Future *Occaſion for Our ſervice. And we cannot doubt upon the Publiſhing of this Our* Royal Word *and Declaration of Our* Sincere Intention, *but that all reaſonable perſons will reſt ſatisfied, &c.*

* See this Declaration, in the end of this Treatiſe.

Now I would fain know what more adæquate or preventive *Words* could have been deviſed by the Wit or Providence of *Men* and *Angels* to have ſtifled ſo great a calamity in the Birth.

Neither will it be an Obſervation perhaps altogether immaterial and impertinent, that in the very next Seſſion of Parliament, *viz.* in the *October* immediately following the Statute of the 19th. of his now Majeſty, *cap.* 12. (which *I* have before recited) was made, as it were in Buttreſs and ſupport of this Royal Edict and Declaration.

Theſe things ſtanding thus *as I* have repreſented them, however the King's Honour and Juſtice (like a Rock of Diamonds) remains ſtill *Impenetrable*, neither is his Sacred Majeſty in this caſe any more to be accuſed of the breaches of *Fidelity*, then the chaſt *Lucretia* was guilty of Incontinence, when wearied out and forc't by the Adulterer. [*Duo fuerunt* (ſaith the holy (*m*) Father) *at unus commiſit Adulterium*] *Two they were, yet but one of them commited Sin.*

(*m*) St. Auſt. de Civitate Dei.

(*n* Rot. Pat. 24 Ed. 3. pars 2. Memb 2. in Dorſo. Et Rot. 25. Ed. 3. Par. Numb. 10. Cooks 3d. Inſtitut. 145. and 223.

When Judge *Thorp* was condemned to death in Parliament for Bribery The reaſon of the judgement is given, [*Quia* (ſaith the (*n*) Record *prædictus Willielmus Thorpe ſacramentum domini Regis quod erga populum ſuum habuit cuſtodiendum, malicioſe falſe & rebelliter fregit &c.* Becauſe the *ſaid* William Thorpe *had broken the Kings Oath, made to his people at his Coronation (that ſolemne and grand Obligation, which is the Security of the*

the whole Kingdome, and the Knot of the Diadem) ſo as the Kings Oath may be broken by others, (his own unſpotted Honour and Juſtice unviolated) ſo likewiſe may his Royal Faith and gracious promiſes as in our caſe.

The ſumme total then of that which hitherto hath been ſaid amounts to this. That this Debt hath been ſecured to the Subject, Firſt by the poſitive *Common Law of this Land*, Secondly by expreſs *Act of Parliament*. Thirdly by the *Royal publick gracious Declaration*. And now if ſo puiſſant an Union of *Garranties*, ſo ſacred a *Triumvirate* of ſecurities have Received no Reverence, no devotion, from this Adviſor, but if (like an other *Sampſon*) he hath broken a *three-fold Cord* of this ſtrength, I would be glad to know that *Sublunary* Obligation which could have been proof againſt the Batteries of his perſons Councels And I think all men will conclude, that we are more obliged to his *Majeſties Grace and Goodneß than* to this Adviſors *Infuſions*, that there is yet any *Property* remaining in *England*.

SECT. 5.

THAT no man is chargeable here with Impoſitions but by his own Conſent, The Felicities of this State in all Ages under the Influence of this Maxime. The zeal of Ancient Parliaments in opening the Exchequer though the Kings Debt to the Subject ſecured but upon a ſingle Tally, and though the Debt of his Predeceſſors. Inſtances hereof produc'd out of the Rolles of Parliament in ſeveral Kings Reigns. An Application of the ſaid Inſtances of our Preſent Caſe of the Bankers. Preſidents of ſeveral Princes of this Realm which made Voluntary payments not only of their own, but even of their Predeceſſors Debts; and others that reſtored Monies to the Subject Extorted by evil Councels. That the redreß of Grievances of this, and other Natures, is one of the prime Ends of Parliaments, that the Kings of England have invited the Subjects to repair to their Parliaments to that End, and divers Inſtances thereof, that ſome Parliaments have been called only for Redreß of Grievances, and ſundry Inſtances thereof.

THE Lawes of England ſuppoſe every Subject to be preſent in Parliament either in his own perſon or in that of his Repreſentative by himſelf freely choſen. And therefore among other polirique Conſtitutions of this Realm it is not the leaſt. *That the King may not alter the Property of his people by way of Impoſition, or like Burthens, but by their Conſent in the ſaid Court*, *Rex Angliæ* (ſaith (*b*) Forteſcue *neque per ſe aut Miniſtros*

(*a*) Iac. 1. circa medium Doctor & Student. 146. a. b.

(*b*) De laudibus legum Angliæ ca. 36.

stros suos Tallagia aut alia quavis ONERA imponit Ligeis suis, sine Assensu totius Regni in PARLIAMENTO, And to this purpose several likewise of our Printed Statute Lawes are most express. *More over* (saith King Edward the first in his (*c*) Statute of 25 *h.*) *we have granted for us and our Heirs to all the Subjects of our Realm that for no Business we shall take Aydes, Taskes, or Prizes, but by the common Assent of the Realme, and for the common Profit thereof,* And the Statute de (*d*) Tallagio non concedendo, is *That no Tallage or Ayd shall be Set or levied by us or our Heires in our Realme, without the good will and Assent of Archbishops, Bishops, Earles, Barons, Knights, Burgesses, and other Freemen of the Land,* And both these Statutes were confirm'd also in 7. *Caroli* in the (*e*) *Petition of Right.* Now what can be more reasonable or just then for a Man to be bound by Lawes devised by himself, or at leastwise by prudent and faithful Procurators of his own choosing? That this Maxime hath been fortunate to the *English* Nation, will be most evident, if we shall consider, that under the sweet influences thereof, *Peace* and *Loyalty* have been here alwayes cherished, *Industry* (the spring of wealth) incouraged, because the Subject was secure of reaping the benefit of his own Labor, and *Valor* also in all Ages enkindled; For without peradventure no people prest with involuntary *Tributes* can be (at all) great, or fit for *Empire,* They may indeed have the Sediment and Dregs of *Courage* (*Sullennesse* and *Contumacy* disposing them to *Mutinies* and *Discontent*) but for those *Heriock* and brave *Passions* which *inflame* Mankind to the Conservation or inlargement of *Dominion* they are not easily capable thereof.

(*c*) 25. Ed. 1 cap. 6 in Cok. 2d Iustit. 529.

(*d*) Cokes 2d. Inst. 532.

(*e*) *Poultons* Statutes. 3 *Caroli.* 1.

This vital Law of *Property* hath sometimes laboured under sinister Councels, and as often hath been releived by the *Parliaments* of those Ages, and when the *Prerogative* hath at any time broke thorough its Bankes, and so endangered the publick Liberty, the Baronage, and Commons of *England,* (the true *Conservators* of these Sea-walls) have constantly hastned in to the repaire of the *Breaches.* And as their care of the Common *Property* hath been great and invincible in the general, so more particularly in cases of the *Soveraignes Debts* to the Subject. The Court of *Parliament* was the *Sanctuary* whether the distressed Subject in this Exigence fled for Shelter and *Refuge,* and alwayes found it. Into the sacred *Bosome* of *Parliaments* it was, that they poured out their *Sighs* & *Groans* with constant success, and when in cases of this Nature the *Common-Law* was Arrested and stopt in her Proceedings, *Parliaments* evermore ran into the *Rescue,* and in dutiful wayes discharged those Locks and Bars which had been unjustly fastned on the *Exchequer.* And that not where there were publique *Declarations* of the Prince and *National* Tyes (for I think those were never before infring'd) but even where the Subjects Debt was

founded

founded upon the bare ſecurity of a *Talley*, or *Debenture*, or the like: Inſtances of this kind I have ſeen not a few, Inſomuch that the plenty of them hath rendred me indigent in this particular, and I ſhall perhaps be more incumbred herein to omit, then to recite Preſidents.

The firſt (*f*) Record I produce then ſhall be that of 4. *Rich.* 2. The Commons Petition *that* King to order the payment of his Grandfather King *Edwards* Debts, by *Talleys* or otherwiſe, and more eſpecially of certain ſummes of Money which the ſaid King *Edward* had borrowed of divers of his Subjects in ſeveral parts of the Realme, and truly they ground their Petition upon a Reaſon ſo brisk and pungent, that I mean to recite it in the very words of the Record. [*Pur bone Enſample* (ſaith the Roll) *a Leiges noſtre ſeignior le Roy, deſire le pluis preſtes, a apreſter a noſtre dit ſeignior le Roy que ore eſt, en Ayde de luy, & tout le Realme ſi ſuddaine Caſe de Neceſſity aveniſt*] *For good Examples ſake* (ſay they) *and incouragement to your Majeſties Leiges and Subjects, to lend your Majeſty Money, in Ayd of your Majeſty and the whole Kingdome, if a ſuddain Caſe of Neceſſity ſhould chance to come.* The King (it ſhould ſeem) did well approve of their Petition and Reaſon, for he makes Anſwer. *That their Requeſt is in good meaſure fullfilled already, and for the Remainder, it ſhall be done according to the Petition.*

(*f*) *Rotulo parl.* 4 Ri. 2. *Numero.* 45.

In the (*g*) Parliament of 6. *H.* 4. The Commons pray the King, That all *Talleys* given by his Majeſty for Money lent to him by his Subjects, may be ſatisfied according to the true purport of the ſaid ſecurities. [*Et que Treaſorer a' Angliter ſoit charge de ceo* (ſaith the Roll) *& auxi de changer les dits Talles ſil d'unboſoigne, pur cauſe de changer les Miniſters & Officers du Roy, non obſtant aſcun Breiſe ou Maundment al contrary, ou autrement pluſors de vos Leiges, ſont diſtreints purtouts Jours.*] *And that the* Treaſurer *of* England *be charg'd therewith, and alſo to renew the ſaid* Talleys *if there be cauſe by Reaſon of any change made of the Kings Officers and Miniſters, Notwithſtanding any writ or Command to the contrary, or otherwiſe many of your poor Leiges will be utterly undone.* The Kings Anſwer there is very gracious, *viz. That good payment ſhall be forthwith made of the ſaid Debts.*

(*g*) Rot. *parl.* 6. *H.* 4. *Numero.* 53.

The next (*h*) Roll that I open ſhall be that of 50. *Ed.* 3. Entitled. [*Des Lettres du Treaſorer, countremaundants les Maundments du Roy.*] *Off the Letters of the Treaſurer, countermanding the Commands of the King.* The Record is rare and ſhort, and containes within it ſomewhat that's ſingular as to the ſhutting and opening of the Exchequer in that Age, And therefore I ſhall crave leave to tranſlate it *verbatim* from the old *French.* Item, the Commons pray that a fit Remedy may be ordained to a *grand miſchief*, done to the Lords, and other of the Commons of this Realme, That whereas they had accounted with the Treaſurer for

(*h*) Rot. *parl.* 50. *Ed* 3. *num.* 176. *vel.* 185. Cottons *Abridgments of the* Records. *Fol.* 138.

 their

their Salaries and Fees, and the King had been found indebted to the ſaid Lords to ſome in 1000l. to others in 2000l. more or leſs, and that *Talleys* and *Letters of Privy Seal* had been thereupon delivered unto the ſaid Lords, for payment as aforeſaid, at Ports and Days certain, and that (confiding in theſe Aſſignations) they had oblig'd themſelves to pay ſuch and ſuch ſummes to their Creditors, at the ſame mentioned days of Payment, *But now of late in Avoydance of the premiſes, the Treaſurers have uſed to ſend Letters under their own Seales, to countermand the Moneys aſſigned by the ſaid Privy Seales*, whereupon the ſaid Lords, and their Creditors are deceived unto their great Dammage and Loſs, and therefore they pray Remedy to be ordained. [*Que nul Treaſorer* (ſaith the Roll) *neit poyar de ſurmountre per ſa Lettre, la Lettre le Roy*] *That no Treaſurer have power to ſurmount, or over rule with his own Letter, the Letter of the King.* The Kings Anſwer there is ſhort and very gracious. *viz. Le Roy le voet. The King willeth that the Petition be granted.*

(*i*) Rot. *parl.* 2. *H.* 6. Num. 22. (*i*) It is enacted that the Executors of *H.* 4. and *H.* 5. ſhall pay all the Debts of thoſe Kings due by *Talleys* or Debentors.

(*k*) Rot. *parl.* 14. *Ed* 4. Num. 56. At the Petition of the Commons (*k*) enacted. That King *Ed.* 4*th.* pay all his Debts due from the 10*th.* Year of his Reign, contracted for his Houſe-hold, Ward-robe, Chamber, Works, and for Money to him lent by the Subject, and ſecured upon Patents, *Bill* or *Talley.*

(*l*) Rot. *parl.* 2. *H.* 6. Num 26. (*l*) Enacted that the *Biſhop of Wincheſter*, (then the Kings Uncle) ſhall have Letters Patents to be payd out of the Cuſtomes twenty thouſand Marks, which he had lent to the Kings Father, King *Henry* the fifth.

(*m*) Rot. *parl.* 2. *H.* 5. Nu. 18. *Thomas* (*m*) *Chaucer* chief Butler to the King, prayeth that the Executors of King *Henry* the 4*th.* may pay to him 868l. for *Wines* taken up for that King, and due to the ſaid *Thomas* upon *Talleys*, whereto the King granteth.

(*n*) Rot. *parl.* 2. *H.* 5. Nu. 22. And afterwards in the ſame Parliament (*n*) *Marke le Faire* Petitions the Lords and Commons that he may be paid 447l. due for *Cloath*, and *Wines*, by him ſold and delivered to the Treaſurer of the Houſehold of King *H.* 4. for the uſe of the ſame King, ſecured upon *Talleys*, and to be paid by the Executors of the ſaid King *Henry* the 4*th.* and this he prays may be done (according to the Religion of thoſe times) *in diſcharge of the Soul of the ſaid late King, which otherwiſe* (ſaith the Petition) [*ſerra en graund perill*] *would be in great peril*, and in preſervation of the poor Eſtate of the ſaid Petitioner. The which is granted by the ſaid King. *Henry* fifth.

(*o*) Rot. *parl.* 3 *H.* 5. *pars ſecunda*, Nu. 22. (*o*) The Commons deliver a Petition to the King for *John Shadworth* Citizen *and Mercer of London* to be paid 53l. owing to him for certain *Spiceery* delivered into the Kings Houſehold, the which is granted. And

in

in the very next (p) Numero, the like Petition and Answer is made to *Henry Barton* for 383l. upon *Talleys* for certain *Furres* delivered by him into the Ward-robe.

(p) Ibid. Num. 23.

I shall no farther ingage my Reader in Presidents of this Nature; but will now make an Inference or two from the premised Records.

Did these Parliaments of old then *Simpathise* so far with their fellow Subjects in cases of *voluntary Loanes* of *Money*? In matters of *Salary*, and *Wages*? and these secured only upon a *single* Talley or *Debenture*? Did they (thus in dutiful ways) wrestle with their Soveraigns for payment even of their *Predecessors Debts*? Did they thus open their Armes so wide to releive *Particuler Persons*? A *Bishop*? A *Butler* of the Kings? Nay a *Poor single* Tradesman? A *Mercer*? A *Draper*? A *Vintner*? or the like? What then would they have done if these Moneys had by evil Councels been *ravisht* from the poor Subject? and taken *without his consent*? If they had been secured not only upon a bare *Talley*, but upon their *Princes publique Declarations*, and their own *National Establishments*? If the *Debt* had been owing by their *present Soveraign*? And the *Non-payment* thereof would have turned to the *Ruin* of some *thousands of Families*, consisting in great measure of *Widdows*, *Orphans*, *Infants*, *Helplesse decrepit Persons*? Nay and of those which before that time had been *Ruined* in their Estates, for the *fidelity* of *themselves*, *or their Ancestors to the* Crown *of England*? I suppose it would be no hard matter to guess what Determinations these Parliaments would have made in so passionate a Calamity, neither shall we need to resort to an Oracle to know whether in probability, they would have endeavoured the Opening of the Exchequer or not.

And as I have thus already produced Instances of *Crown Debts* payd by the *Sollicitation* and *Impurtunity* of *Parliaments*, so I will now shew *Presidents* where sundry *Princes of this Realme* have upon their own Royal *Compunctions*, and natural *free graces* satisfied not only their own *Personal Debts*, but even those of their *Predecessors*, Nay where they have *restored* those very *Moneys* to their poor Subjects, which had been *extorted* from them by *sinister ways*, *and Advices*.

Edward the Confessor restored the *Dane-gueld* Money (a grevious Taxe formerly in use here) to the persons from whom it was *Exacted*, it seeming to that pious Prince (as no mean (1) Authors write) that he saw the *Divel dancing and triumphing for Joy* upon that vast heap of *Treasure*, when he was conducted by his Officers to view the same. And (by the way) this * Act of singular piety he did when his People laboured under a *dreadful famine*, with which God Almighty hath lately threatned us in this Realme, neither are the footsteps thereof yet altogether defaced.

(1) *Polydore* Virgil. *Ribadinira*, *Copgrave*, *Surius*.

(*) Seldens *Mare Clausum* Lib. 2. Fol. 172. *Spilm. Glossary in titulo* Dane-gueld.

(2) Clauſ. 3. *Ed.* 2 *Membrana.* 16. *in Turri.* London.

I find in the Clauſe (2) Rolls of King *Edward the ſecond*, that he directed his writes to his Collectors of his Cuſtomes requiring them to *pay certain vaſt Summs of Money to the Creditors of his Father* (King *Ed.* 1.) out of the ſaid Cuſtoms, and 100000l. *beſides*, [*Pro damnis occaſione retardationis ſolutionis Debiti*, &c.] *for the Dammage by reaſon of the late and ſlow Payment.*

(3) *His* H. 7. Fol. 77.

King *Henry* the ſeventh often borrowed Money of his Subjects, but (ſaith (3) *Bacon*) moſt duly and orderly paid it back at the Day, *This wiſe King* (addes he) *ever chooſing rather to borrow too ſoon then to pay too late, and ſo keeping up his Credit.*

(4) Vita *Elizabethæ.* A. D. 1590.

Queen *Elizabeth* (ſaith (4) Cambden) [*Averſata eſt acerbitates in vectigalibus*, &c.] *She abhorred thoſe harſh and illegal Tributes which ſome of her Predeceſſors* [*edulcarunt*] *had ſweetned with the ſoft and ſugred Names of* Benevolence *and amicable Loanes,* * And therefore when in the 42. Year of her Reign, ſhe had required a *Benevolence* towards her *Iriſh-Wars*, and ſome Money was thereupon collected, as ſoon as ever ſome of the *Judges* of that time had informed her that the *Impoſition was illegal*, ſhe was thereupon highly offended with the *Adviſors*, and commanded that *no more* Money ſhould be *collected* upon it, and that full *Reſtitution* ſhould forthwith be made to thoſe which had paid, which was accordingly effected. And Judge *Hutton* ſaith there that the Money he gave, was repaid to him. [*Quodq; glorioſius & ſubditis longe gratius* (ſaith the ſame (5) Author elſewhere) *& magna cum* Londinenſium *Lætitia, ſub hoc tempus Patris & Fratris Debita liberavit.*] *And that which was more glorious* (ſaith he) *and to her Subjects moſt comfortable, and to the more eſpecial Joy of the* Londoners, *about this time ſhe made Honourable payment even of her Fathers and Brothers Debts.* If we talk of *Old Debts* of the Crown, ſome of theſe I am ſure were Old Debts with a Witneſs, for they were of near *thirty Years of Age*, (it being near ſo long from the laſt Years of King *Henry* the Eight, to the 15*th.* of this Queens Reign, at what time ſhe paid the ſame Debts of her Father.) And was ſhe any Looſer hereby? certainly no For by Actions of this nature, ſhe gain'd an *Inexhauſtible Mine* of *Treaſure* in the *hearts of her People*, who never denied her any thing, and thereby rendred her ſelf formidable to the Enemies of this State, and her fame commenſurate with all-devouring Time.

* Judge *Crooks* Argument of Shipmoney. p. 57 And Judg *Huttons* there p. 430. expreſs

(5) *Cambden.* Vita *Elizabethæ.* A. D. 1573. *Regni.* 15.

(6) Vita *Jacobi.*

And King *James* in his 4*th.* Year, (ſaith (6) *Baker*) repaid *threeſcore thouſand Pounds* to the *Citizens of London*, which they had lent to Queen *Elizabeth* a little before her Death, *An Act* (ſaith the ſame Author) *by which the King gain'd more in Love, then he paid in Money.*

I could eaſily proceed in Examples of this kind, but being deſirous to ſpare my Reader, ſhall now produce certain Preſidents where Parliaments have

have been ſummoned purpoſely to releive Preſſures of this, and like Nature.

The Lord chief (Juſtice (q) Cook) tells us *that one of the Principal Ends of calling Parliaments is for the Redreſs of Greivances.* And the *Mirror of Juſtices* (an Ancient and Learned * Treatiſe of the Law) ſaith *that Parliaments were inſtituted* [*Pur Oyer & terminer les (r) Plaints de Torts de le Roy, de la Roigne, & de lour Infans, & de eux eſpecialment de queux Torts lun ne poiet aver autrement common Droit.*] *To hear and determine the Complaints of the wrongful Acts of the King, the Queen, and their Children, and eſpecially of thoſe Perſons againſt whom the Subject otherwiſe could not have common Juſtice.* And the ſame Author in an other place reckons it among the Abuſions of the Law, that this Court ſhould be aſſembled. [*Forſque pur Aydes & Cuilets de Treaſore*] *Onely* (ſaith he) *for Subſidies and Leavies of Money. Item.* (ſaith the Statute of 36. *Ed.* 3.) *For maintenance of Magna charta and other Statutes, and Redreſs of divers Miſchiefs and Greivances which daily happen, a Parliament ſhall be holden every Year,* &c. And we are not wanting in Preſidents, even of ſome of our greateſt Princes which have accordingly *Incouraged* and *Invited* the poor Subject to reſort to the Courts of Parliament and their to expoſe their Injuries and Oppreſſions.

(q) 4th Inſtitutes, Fol. 11.

* Cokes Preface to the 9th. Rep.

(r) Mirror of Juſtices, Chap. 1. pag. 9 b.

(ſ) Chap. 5. pag 282. 36. Ed. 3 cap. 10.

I find among the Clauſe (t) Rolls of *Edward* the firſt, that this King did appoint certain ſelect Perſons of the Clergy and Laity, to examine the wrongs done to his People, by any of his Miniſters, in order to the Redreſs thereof in the Parliament then approaching, And thereupon (by his Writs directed to all the Sherriffs of *England*) commands them openly to publiſh the ſame to all his People, that they may reſort to the ſaid Commiſſioners. [*Sibi ſua gravamina fideliter oſtenſuri & proſecuturi,* &c.] *to expoſe their Greivances faithfully to them, and to proſecute their Oppreſſors.*

(t) 17. Ed. 1. Dorſo memb 2. *Quod vic cum s ſcire faciat illis qui de Miniſtris Regis ſe conqueri volu erint quod veniant apud Weſtm,* &c.

And in the like manner King *Ed.* 3. did (u) command all his Sherriffs to make ſpeedy Proclamation all over the Kingdom. That ſuch of his People which had been oppreſt or greived, not only by his Ordinary Miniſters, but (ſaith the Roll) [*Auxi per aſcuns Grantz de noſtre Realm auxibien noz Conſeilers, come autres, a dammage and Diſhoneur de Nous.*] *But even by our Grandees, as well our Councellors as others, to our Dammage and Diſhonor,* ſhould forthwith repair to his Parliament then near at hand, and there to receive from his Royal Hands ſpeedy help and Conſolation.

(u) Clauſ. 4. Ed. 2. M 18. Dorſo. *De conquerentibus ad. Parliamentum veniendum.*

Declaration was openly made in the (w) Parliament of 15th. of the ſame King (by his eſpecial Command) [*Que cheſcun* (ſaith the Roll) *que ſe ſente grevez per le Roy, ou ſes Miniſtres, ou autres que ils metroient*

(w) Rot. parl. 15 Ed. 3. Numero. 5.

mettraient leur Petitions avant, & ils averont bone & covenable Remedy] *That all People which found themselves aggreived in any matter, even by the very King himself, his Officers or others, should bring forth their Petitions, and thereupon should have good and convenient Remedy, to them Ordained.*

(x) In *Claus.* 21 *Ed.* 3. pars. 2da, Dorso. 9.

In the (x) Writs of 21. of the same King, directed to all the Sherriffs of *England* to choose Knights and Burgesses for the ensuing Parliament, I find inserted this following Clause (which for the Dignity thereof I would Transcribe with a Beame of the Sun were I able) [*Et scire vos volumus, quod dictum Parliamentum, non ad Auxilia seu Tallagia a populo dicti Regni nostri petenda, Vel alia Onera eidem populo imponenda, sed duntaxat pro Justitia, ipsi populo nostro super damnis & Gravaminibus sibi illatis faciend, fecimus summoneri.*] **And we will you to know** (saith the King) **that we have not summoned the said Parliament in Order to the Demand of Subsidies and Tares from the People of our said Realm, or to impose other Burthens upon our said People, but onely and singly for the Administration of justice to our said People, in Relation to any Oppressions and Grievances to them done.**

Rot. *parl* 37. *Ed* 3. Num. 2.

I shall now shut up this Section with a notable Record of the *Parliament* of the 37*th*. of the very same King, as I find it entred upon the Roll. *Simon de Langham* (Bishop of Ely and Lord Chancellor) in the presence of the King, Lords, and Commons declares the only cause of summoning this Parliament to be, for the Redress of Greivances, *viz*. That the King having well considered the great Goodness of God, eminently vouchsafed unto him in all his Mighty and Important Affaires, as also the extraordinary Aydes given to him by his Nobles and Commonalty, and the manifold Perills by them sustained in his Wars, He did now therefore call them together (as it were out of the sentiment of his Obligations, *First* to God, and then to his Subjects) in order to the firmer establishment of the *Franchises* of holy Church, and to the Redress of the *Greivances*, *Outrages* and *Mischeifs*: done as well to his *Nobles* as *Commonalty*, against the Laws of the Land, And thereupon the King willeth (saith the Chancellor) [*Que si ul se sente greivez, mette avant sa Petition en ce Parliament, & il en avera covenable Responce*] That *if any person finds himself aggreived, let him but exhibit his Petition in this Parliament and he shall speedily receive convenient Remedy, and thereupon Receivors and Tryors of Petitions were assigned*, and all the Greviances of the Kingdom redressed, to the unspeakable Joy and Consolation thereof.

I could yet proceed in *Instances* of this kind, during the *Regiment* of other Kings of this Realm, but that I do here (as all along in this *Discourse*, so far as the *Dignity* of my *Subject* will bear it) consult *Brevity*.

I

I shall only tell my *Reader* that I have thought fit to lay my *Scene*, of the Redress of *Grievances*, in the *Reign* of this *Mighty* and Triumphant *Prince* King *Edward* the third, Partly to perfume the way a little before I come to † Answer the Rapines Objected against this great *Prince*, Partly because his *Title* to the *Crown* of *England* was most unquestionable; and therefore no Man may pretend that *these* were the *Fawnings* or *Brocage* of an *Usurpor* (as * *Bacon* stiles the *popular Lawes* of our *Richard* the third.) And lastly to shew that these *sweet* and *Fatherly* wayes of treating the Subject, are not at all, inconsistent with the *Grandeur* and Felicities of an *English Monarchy*; Which puts me in mind, That the Wise men of Old, did stile *Kings*, the *Fathers*, *Husbands*, and *Shepheards* of their *People*, Names intimating (as they conceived) the most passionate *Care*, *Love*, and *Commiseration* that any *Mortal* Nature could possibly *exert*, or express) Unto which I shall add that great *Saying* of * *Seneca* (*Tutor* to a *Roman Emperour*, and with which I conclude this Section.) [*Optime hoc Exemplum Principi constituo, ut se talem esse Civibus, quales sibi Deos, velit.*] I do (saith he) propose it to my Prince, as the best President for him to follow, That he would treat his Subjects with the very same Dulceur and Tendernesses, with the which he desires the immortal Gods, should handle his own Royal Person.

† Postea, S. 7th.

* H. Henry 7. Fol. 3.

* De Clementia Lib. 1. Cap. 7.

SECT. 6.

The grand Objection of Necessity and National Danger (supposing also our Fears to be at that time just) considered at large and Answered. That the Subjects Property is not alterable in this State; but by his own Consent, in cases of far greater National danger then this was, proved by sundry Records in several of our Princes Reigns, and otherwise. The unspeakable Care and zeal of Ancient Parliaments in securing the Common Liberties, and Property. The Decisions of the Civil Law, in Cases of National Danger, &c.

I Am now at length arrived to the grand *Objection* of this Case, the validity of which I am necessitated (though with *Reluctancy* in my self) to consider, because if this *Objection* prove impregnable, the Counsel of stopping the *Exchequer*, may seem to be built upon a good, or at least-

leastwise an excusable Foundation, and so in all that I have hitherto said, I shall seem to have *trifled* with, and eluded my *Reader*. And herein (because I pretend not to any *Arcana's* of State) I shall handle this point by way of *Admittance*, and shall suppose that the *Fears* and *Jealousies* which at the time of shutting the *Exchequer*, did possess this State, were just, and such as might well fall upon constant and deliberating *Minds*. The Objection then will run thus.

Object. Object. *That our Neighbour Princes and States were making vast preparations for War, that the Heavens about us were Black and Cloudy, and where the storm might fall no man could Divine.* [That Necessitas est Lex temporis, Quæ non habet Legem.] *That Necessity and self preservation superintend all Laws. That it is more eligible to lop off one Member from the Body Politique, or at least wise to let an Arm, or perhaps a finger thereof blood, then that the whole should be endangered*, &c.

Sol. *Sol.* The *Objection* I must confess is Important and weighty, and will deserve a substantial *Answer*. In order thereunto I must in the first place mind my *Reader* that I have in the former Sections. (as I suppose) by *Irrefragable* Argument proved the Property of the Subject in this case violated. I will then add, that it is a Fundamental *Law* of this *Realm*. *That the Subjects Propriety is not violable, no not in cases of National Danger, or even then to be Altered without his own free and voluntary Consent*, and that, *First* by the *consent* of his own *individual Person*, or *Secondly* by that of his *Representatives* in *Parliament*, to whom he hath delegated his Consent. To prove this I could produce innumerable *Records* of *Parliament* and other *Courts*, but (for brevities sake) shall content my self with some few, doing herein like one that chooseth 5. or 6. full *Ears* of *Wheat* out of a select sheaf, who must necessarily leave behind him as good as he takes. In Order to the Worke

† Job 8. ver. 8, 9. Let us then a Gods name (as the * *Scriptures* direct) *enquire of the former Ages, for we are but of Yesterday*, And lets consider what our *Forefathers* have done in Cases of *Common Peril*, without doubt they were no vain or futile Persons, and they acted also under *Princes* that were wanting neither in *Courage*, *Prudence*, or *subtil Councels*, and besides that were Jealous enough of their *Prerogatives*.

The first Record therefore that I shall insist upon, will be that memorable one of 14. *Ed.* 2. in a Writ of Error upon Judgment given in *Durham* in Trespass by *Heyburn* against *Keylow*, for entring his House, breaking his Chest, and taking away 70*l.* in Money upon a special *Verdict*, the Case was this.

(a) The Scots had entred the Biſhoprick with a formidable Army, making great burnings and ſpoil, the Commonalty of *Durham* (whereof the Plaintiff was one) apprehenſive of the Common Danger, conſulted together, and at length agreed to ſend their Agents to compound with the Scots, for Money to depart, and were all ſworn (the Plantiff being one) to perform ſuch Compoſition, and alſo what Ordinance ſhould be made in that behalf, thereupon they compounded with the Scots for 1600. Marks, but becauſe this Money was to be paid without the leaſt delay, they all conſented that *Keylow* the Defendant and others, ſhould go into every mans Houſe, to ſearch for ready Money, to make up the ſaid ſumm, and that it ſhould be repayd by the ſame Commonalty, and thereupon the Defendant entred the Plaintiffs Houſe, and took the ſaid 70*l*, which was paid toward that Fine. The Jury were demanded whether the Plaintiff was preſent and *conſented* to the taking of the Money, they ſaid no. Whereupon the Plantiff had Judgement to recover the 70*l*. upon this Judgement the Defendant brings his Writ of Error in the Kings Bench, and aſſigns errour in point of Law, and there the Judgement was reverſt, becauſe *Heyburn* (whoſe Money it was) had *agreed* to this Ordinance, and was ſworn to perform it, and *Keylow* had done nothing but by the expreſs Conſent of *Heyburn*, and therefore was no *Treſpaſſor*, and that *Heyburn* had no other remedy for his Money, but againſt the Commonalty of *Durham*. *By which it appeareth, that if the owner of the money had not particularly conſented, ſuch Ordinance could not have bound him, and yet this was in a Caſe of imminent danger, and for publique defence.* (a) *Mich.* 14 *Ed.* 2. B. R. *Rot.* 60.

The (b) *Parliament* of 21. *Ed.* 3. (whoſe Reign was a continual warfare) exhibit a *Petition that no Leavies or Impoſitions ſhould be made upon the People but by their Conſent in full Parliament*. The Kings Anſwer is. That if any ſuch Impoſitions were laid, they were done in times of great and palpable *Neceſſity*, and alſo by the *Aſſent* of the Prelates, Barons, great Men, and ſome of the Commons then preſent, yet he willeth that ſuch Impoſitions not duly Made, be not drawn into Example but clearly aboliſhed. And do we think he would not have given the ſame Anſwer if theſe Leavies had been made by himſelf alone? I think no man will doubt thereof. (b) Rot. *Parl.* 21. *Ed* 3. Num. 16. & 17. *Et.* Ibid. Num. 44.

In the (c) Parliament of 50. of the ſame King. The Lord *Latimer* (Lord Chamberlain and Privy Councellor) was (amongſt other Crimes) impeacht. *For that he without Conſent in Parliament, had levied Impoſitions upon the Merchants.* He excuſed himſelf upon the *Kings* expreſs *Command*, upon the *Exigence* of his Maſters *Warrs*, and (which was more) upon the *good liking* of the *Merchants*, and yet notwithſtanding all theſe fair and ſpecious *Defences*, Lets ſee what Judgment (c) Rot. *Parl.* 50 *Ed.* 3. Num. 24.

(d) Rot. parl. 50. Ed. 3 Num. 28. was given upon him. It was (ſaith the (d) Roll) no leſs then *Impriſonment, Fine and Ranſome*, at the Kings Pleaſure, *loſs of all his Offices*, and more eſpecially to be *expelled the Privy Councel*. And his procuring the ſaid Impoſitions is expreſt there in the Entry of the Judgment, to be one principal Cauſe of the ſaid Cenſure. Nay ſo great was the *Zeal* and *Indignation* of the Subject againſt theſe *Extra Parliamentary charges* that in the end of this laſt recited Parliament they Petitioned, that *Offences of this Nature might be made Capital, and that the procurers of ſuch Impoſitions, might have Judgment of Life and Member and Forfeiture of Eſtate*. The Record is very ſhort, and therefore I will Tranſlate it out of the Old French, *Verbatim*.

(e) Rot. Parl. 50. Ed. 3. Num 133. or 191. *Cottons Abridgment of the Records*. Fol. 158. *in Fine*. (e) *ITEM*, The ſaid Commons pray that it may be Ordained by Statute in this preſent Parliament. That all thoſe which hereafter ſhall lay or procure for their ſingular profit, New impoſitions, by their own Authority (Accrocheants) incroaching, or Uſurping to themſelves Royal Power, over that which is eſtabliſht by Parliament, without Aſſent of Parliament, that they may receive Judgment of Life and Member, and Forfeiture. To this briefe Petition the King however gave this ſoft and mild Anſwer. Courge la Common Ley come eſtoit al avant uſee. Let the Common Law run in this Caſe as it hath been accuſtomed.

(f) Rot. Parl. 2. Ri. 2. *pars Prima*. Num. 3. 4. 5. The next is a Record of the (f) Parliament of 20. *Ri*. 2. Some little time before this Seſſion, the French had actually invaded this Realm, they had burnt *Portſmouth, Dertmouth, Plymouth, Rye* and *Haſtings*, they had poſſeſt themſelves of the Iſle of *Wight*, beſeiged *Wenchelſy*, and at length entring the *Thames* with their victorious Fleet, came up to *Graves End*, and burnt moſt part of that Town, and (which was yet worſe) in the North, the Scots had burnt *Roxborough*, and were ready to over run all the North of *England*, the Realm being thus beſet both by Sea and Land with the united Puiſſance of two mighty Kingdoms, and like a Candle burning at both ends, the publique Treaſure alſo exhauſt; a great Councel was forthwith call'd of the Prelacy, Baronage, and other great men, and Sages (or Judges) of the Nation, to conſult about theſe difficulties, they came at length to all final Reſolution, the which *Scroop*, then Lord Chancellor, delivered to all the Lords in the enſuing Parliament, which (as the Roll above quoted ſaith) was thus. That ſince the laſt Parliament, the ſaid Councel met, and conſidering the great Danger the Kingdom was in, and how Money might be raiſed for the Common Defence, which could not wait the delay of a Parliament, and how the Kings Coffers had not ſufficient in them, they all concluded *that Money could not be had for ſuch defence, without laying a charge upon the Commonalty, and that ſuch charge could not be impoſed without a* Parliament; and

the Lords thereupon ſupplyed the preſent Neceſſity with their own Money, and adviſed a Parliament for farther ſupply, and Repayment of themſelves, which was accordingly done.

(g) About three Years after this State ſuſtain'd a *Convulſion* hardly to be paraleld in Story. Two hundred thouſand of the Dregs of the People had ſetled together, under the Conduct of a certain profligate Villain cal'd **Wat Tyler**. Their Deſigns were barbarous, and truculent, nothing leſs then to *Violate the Sacred Perſon of the King, to take up by the Rootes the Prelacy, Baronage, and Gentry of* England, *and in Fine to over-whelm all in one Common Ruin*, and purſuant thereto, they had already chopt off the Heads of the *Archbiſhop of Canterbury* (then Lord Chancellor) of the Lord *Treaſurer*, Lord *Chief Juſtice* of *England*, and of ſeveral others of the *Nobles* and *Gentlemen*, and had committed other unſpeakable *Ravages* likewiſe in all places. The King to quench or allay this *Wildfire* which had now grazed almoſt throughout the whole Realm (amongſt other things) by his *Charters* infranchiſeth all the Bondmen of *England*. (Here was now an altering of the Subjects *Property* without *Conſent* in a great *Exigence*, it will be worth while then to obſerve what was the Iſſue thereof) *In the next* Parliament, *Scroope* Lord *Chancellor*, *demands in the preſence of the whole Kingdom, whether the ſaid Charters ſhould be repeal'd, or not? Unto whom aſwell all the Prelates, and Barons, as the Knights, Citizens and Burgeſſes anſwered.* [a vne voice] *with one voice*, ſaith the (*h*) Record, *that they would have them repeald, not ſo much becauſe they were founded upon Coherſion and Dureſs, as becauſe* (ſay they) [*Tiel Infranchiſement ne poiet eſtre, ſans noſtre conſent, que avoumus le greinder Intereſt.*] *Such Infranchiſement may not be made, without our Conſent, who have the greater Intereſt therein.*

(g) *Walſingham and other ould Chroniclers.*

(h) Rot. *Parl.* 5. *Ri.* 2. Num. 8. & 13.

I think no man will pretend that our *Late Danger* (to ſay no more) was greater than *theſe*; and yet becauſe there was no other courſe in thoſe times thought lawful for the raiſing Treaſure upon the Subjects Goods, or alteration of their Propertie, then by their *own Aſſent in Parliament*, only that courſe was then thought fitteſt to be practiſed, which was ſuch as ought to be obeyed.

The (*i*) Parliament of the 13. of King *Henry* the 4*th*. granted unto him for one Year a Subſidy of *Wools*, *Tonnage* and *Poundage* and other things there mentioned for the ſafegaurd of the Marches of *Callice*, &c. And for the *Defence of the Realm, and the Seas*, But it was (ſaith that Roll) with this expreſs Proviſo, *viz*. *Provided alwayes that this preſent Graunt in time to come ſhall not be taken into Example to charge the Lords or Commons of this Realm with any manner of Subſidy for the ſafeguard of* Callice, &c. *Nor for the Defence of the Realm or the Seas, unleſs*

(i) Rot. *Parl.* 13. *H.* 4. Nu. 10. Et. Rot. *Parl.* 11. *H.* 4. Num. 45.

it be by the expreſs good wills of the Lords, and Commons of this Realm by a new Graunt to be made, and that (en pleine Parliament) in full Parliament. Nay farther when the *Parliament* of the 5*th.* of this King (for the repelling of the *Welch, Iriſh, Scotch,* and *French* Hoſtilities) had granted. [*Taxam inſolitam & valde gravem* as (*k*) *Walſingham* ſtiles it] *an unuſual and heavy Taxe, it was given* (ſaith he) [*Ea conditione, ut nec ſervarentur ejus Evidentiæ in Theſauaria Regia, aut Scaccario, ſed Scripturæ & Recordationes ejuſdem, protinus poſt datum Compotum cremarentur*] *Upon condition that no Evidence or footſtep thereof ſhould appear to future Ages, and that upon finiſhing the Accounts the very Records of that Grant ſhould be forthwith utterly conſumed with fire.*

(*k*) *In vita Henrici.* 4. Fol. 369.

So great (we ſee) were the Cautions of the Subject in that Age, even in their very Parliamentary Grants where the Ayds were Extraordinary, though in Caſes too of National Danger.

(*l*) *Old Book of Statutes* 31. *Hen.* 8. *Cap.* 8.

The next (*l*) Record is the Statute of 31. *Hen.* 8. *cap.* 8. ſome Years before, this King had diſſolved the leſſer, and in the Year of this Statute the greater Monaſteries; which being a new Precedent made a great noiſe, and the event thereof was apprehended with terrour and amazement all over the Chriſtian world, this adminiſtred ſecret ſeeds of Diſcontent to many of the people, which after broke out into open Rebellions (as our Chronicles declare) in ſeveral parts of the Kingdom; this King (though ſtanding as much upon his prærogative as any of his Predeceſſors) to provide againſt the like ſuddain eruptions of this Torrent, which would not ſtay for *Parliaments,* procures a Statute to be made, that the King for the time being, with the Advice of his Councel, two Biſhops, two chief Juſtices, and divers others, might by His *Proclamation,* make Ordinances for puniſhing offences, and impoſing penalties, which ſhould have the force of a Law, but with this proviſio [*that thereby no mans life, or property, Land or Goods ſhould be toucht or impeacht*] ſo then though the Royal Power was thus corroborated by this Statute, yet the *Parliament took care, that no mans Life, or Property ſhould be raviſht from him.* However *notwithſtanding* the ſaid Reſtriction, this Statute was thought inconvenient, To the *Meum* and *Tuum* of the Subject, and thereupon repealed ſoon after, in 1 *Ed.* 6. *cap.* 12.

This Kingdom never laboured under a juſter fear then in the Year 88. when it was aſſaild by that invincible *Armada,* or Sea-Gyant (as the Lord *Bacon* * calls it) and yet every mans Right was then preſerved inviolable. Nay the Queen was ſo tender in that particular, that as (our * Hiſtorians ſay) She gave Expreſs Order that not ſo much as an Ear of Corn ſhould be burnt, or other Goods of her Subjects devaſtated, until the Enemy had actually Landed, and was even upon the very point of poſſeſſing

* *His War with Spain.*
**Cambden in vita* Elizab. 1588.

poſſeſſing them himſelf. And therefore where (m) 8. *Ed.* 4. ſaith, That I may juſtify to make Bulwarks and Trenches upon an other Mans ground, without his Conſent, this muſt be in a *Time* of *impending Danger*. [*It lou les Enemyes viendront* ſaith the Book] *and where the Enemies are already arrived.* And (by the way) I ſhall make bold to obſerve that (upon citing this very Caſe) all the (n) *Judges* of *England* in 4*to. Jacobi* held, That as ſoon as the *Danger* was over the ſaid Trenches and Bulwarks ought to be removed at the *Publique charge*, that ſo the *Owner* (ſay they) might not be prejudiced in his *Inheritance*, So where the caſe of (o) 13. *H.* 8. Of pulling down the Suburbs of a City without the conſent of the owners, in time of War, is Law, it muſt be underſtood of an *Actual Invaſion* of the Enemy, when the Danger is in *Potentia proxima*, and the Fire ready to take. And this manifeſtly appears by the (p) Record of 11. *Edw.* 2. where the Mayor and Citizens of *Dublin* puld down the Suburbs of that City, but it was (ſaith the Record) *Super imminentem hoſtilem Irruptionem Scottorum Inimicorum infra Hiberniam, & pro Salvatione Civitatis prædictæ, & ne dictis Inimicis ad Civitatem prædictam facilior pateret Ingreſſus*, &c. And yet this Corporation neither would not truſt to this point of Law, but for their better ſecurity procured the King's Pardon, which yet was cautiouſly enough drawn. For it was [*Pardonamus eis & cuilibet de communitate Civitatis prædictæ, id quod ad nos pertinet, de proſtratione prædicta*, &c.] *We Pardon as much as in us lies.* &c. as appears by *Pat. de Anno* 12. *Edward* 2. *Memb.* 30. *Intus de pardonacione pro Majore & Civibus Dublin.*

(m) 8 *Ed.* 4. 13. *a.*

(n) Cokes 12. Rep. *Fol.* 13.

(m) 13 *H.* 16. *b* per *Shelly.*

(p) *Clauſ.* 11. *Ed.* 2. *Memb.* 19 *Dorſo, pro Majore & Civibus Dublin.*

And ſo of the (q) caſe of *Graveſend* Barge. If the Ferry-man may juſtify to throw my Goods over-board to lighten the Veſſel, it muſt be upon an *Inſtant Tempeſt*, and *Inevitable Peril*; but if the Ferry-man ſhall ſay, I ſee a cloud yonder my Maſters, its like to be a great ſtorm, and thereupon ſhall throw them over, I doubt that is not at all juſtifiable in Law.

(q) Mich. 6. *Jacobi* Cokes. 12. Rep. 63.

I ſhall now draw nearer our own times, and preſent you with a *Triumvirate* of Precedents (to ſay nothing of the *Petition of Right*) in one and the ſelf ſame *Parliament*, (no leſs then that which attain'd the Name of *Parliamentum* * *Benedictum*) I mean that of 3. *Caroli Primi.*

Cokes, 3d. *In.* 3.

Firſt the Judgment of the two Houſes in that Parliament in Dr. *Manwarings* (r) caſe, who was ſentenc'd by them principally for declaring in a Sermon (which he afterwards Printed) *that the King in caſes of imminent danger to the Kingdom, might without* Parliament *Levy Money upon the Subject.* There were other collateral charges againſt him its true, but

(r) Ruſhw. *Hiſt. Collect.* 3. *Carol.* 1.

Journal of both Houses. but this was the * Principal, and to this he chiefly applyed his Defence, & would have excused this Assertion by limiting it only to Cases of *National Extremity*, but that would not serve his turn, he himself submitting, and the Sentence afterwards affirm'd by the Kings Proclamation for suppressing the Book. The *Judgement* given upon him was no less then *Imprisonment* during the *Pleasure* of the House, *Fine* of 1000 *l.* to the King, to make *Submission* at the Bar of the Commons House, to be *Suspended* for three years, *ab Officio & Beneficio.* To be *Disabled* for ever from *Ecclesiastical Dignity, Secular Office*, or *Preaching* at *Court*. And Lastly the King to be moved that this venomous *Book* might be *Suppress* by *Proclamation*, and openly *Burnt* in *London*, and both the *Universities*, and twenty to one it had gone worse with Mr. Doctor, if he had not had some *Fautors* and *Patrons* at *Court*.

(s) *Rushw. Hist Collect. 3 Caroli.* The second is the Commission for *Loan*, to carry on the War for the *Palatinate*, in which was suggested the *Safety*, and very *Subsistance* of *King*, *People*, and *Religion* to be in *Instant danger*, that his Majestie's *Coffers* were *Exhausted*, that the Supply could not stay for a *Parliament*, that the King upon his Accession to the Crown, found himself ingaged in this War, and that by *Advice in Parliament* (which I think may deserve some remark) and only lending a little *Money* for prevention required. Now I would fain know what Suggestions could have possibly been more Substantial or Persuasive. *But because this Course was compulsary, and without consent, these Commissions in the same Parliament were Resolved to be Illegal*, and so Consented to be by his Majesty, and so Declared a little after in the same *Paliament* in the (t) *Petition of Right*.

(t) *Poultons Statutes 3. Car. 1 cap. 1.*

(u) *Rush. Hist. collect. 30. Car.* The third is the Commission of (u) *Excise* Issued to 33. Lords and others of the Privy Councel, in which they are commanded to raise Moneys by *Impositions*, or otherwise, as in their Judgements they shall find to be most convenient. The Suggestions here, were for the most part the same with those in the above mentioned Commission of *Loane*, and yet *Adjudged* by *both Houses contrary to Law*; and the Lords desired his Majesty that this Commission of *Excise* might be Canceld, and shortly after it was cancel'd by the King, and thereupon brought so canceld into the Lords House, by the Lord Keeper, and by the Lords, so sent to the Commons.

I shall now cite the Statute of 17. *Car. 1 cap*, 14. For the Reversal of the Judgement in the Case of the *Ship-Writs*, I am not willing (as well for Brevity as other Reasons) to recite this Statute at large, but I dare engage that that no man shall read that Law, but will say it is a most *direct Judgement in the point against the violation of the Propriety in case of National danger*. If any man however, shall for reasons best known to himself, Arraign or Calumniate this Act of Parliament, I shall say no more then this

this. If it be Law, why may I not vouch it? If it be not, why is it not Repeald? why doth it ſtill cumber our Statute Books?

For farther Evidence of the Antient care of common Property, I might here add, That where (1) Subſidies of a New or extraordinary Nature have been heretofore agitated in *Parliament* (though for the *neceſſary Defence of the Realm*) yet the *Commons* of that Age would not agree thereto (ſo far were they pleas'd to ſtoop) till they had conferd with the *Counties* and *Borroughs*, for which they ſerved. What ſhall I ſay more of their *Zeal* againſt *Thoſe* which have preſumed to *Procure* or *Adviſe* any *Breaches* upon the publique *Propriety*, of which kind yet (were it ſeaſonable) I could produce ſundry *Calamitous Examples*? The time would fail me ſhould I inlarge upon that inviolable Bulwark of our *Liberties*, and *Propriety*, the (2) **Magna Charta** or **Great Charter** *of* **England**, A *Charter* purchaſt with the (3) *Treaſure*, and ſeal'd with the (3) *Blood* of our Anceſtors, A Law promulg'd and eſtabliſht to the Engliſh, with a (4) *Terror* and (4) *Solemnity*, inferiour only to that of the *Holy Commandments* by God himſelf (5) to the *Jews*. (there was here no *Thunder* or *Lightning* its true, but there was ſo dreadful a *Fulmination* of Curſes upon the Violators thereof, that no man ever yet conſidered them, without *Horror* and *Aſtoniſhment*). A Law revered by former *Parliaments*, to that Degree, that they Enacted (6) *Tranſcripts* thereof to be carefully preſerved in all the *Cathedrals* of the Realm. That it ſhould be (7) four times a year publiquely read before the People. That twice in the year the *Prelacy* (*Pontificalibus induti & Candelis accenſis*) ſhould thunder out the greater (8) *Excommunication* againſt the Infringers thereof, though but in *Word*, or *Counſel* (ſaith the Statute). That the Lord (9) *Chancellor*, and all the great *Miniſters* of *State* upon entry into their *Offices*, ſhould conſtantly be ſworn to the obſervation thereof. That it ſhould be (10) allowed as the *Common Law* by all Officers of Juſtice. That all (11) *Statute Lawes* or (11) *Judgments* in Oppoſition thereto ſhould be *Null* and *Void*. Nay that the very *Prieſts* and (12) *Confeſſors* ſhould frame the *Conſciences* of the people to the Obſervance thereof. And laſtly, a Law (13) confirmed by no leſs then 32 ſeveral Acts of *Parliament*. And what was the Reaſon of all this *Veneration* and *Diligence*? Was this **Charter** of that *Sanctity* and *Importance*? Yes ſurely, The *preſence* thereof was then thought as neceſſary to the *Engliſh*, as that of the *Palladium* to the *Trojanes*, the Holy *Arke* to the *Hebrews*, the *Sea-banks* to the *State* of *Holland*. In *Company* of this *Tutelar*, there was no poſſible *Danger*, in the *Abſence* thereof no poſſible *Safety*. Such then was the Care of our *Anceſtors* (*Wiſe men perhaps though not ſo great Clerks*) in the *Munition* and Fencing about of their Rights and *Properties*! And ſo invincible was their *Zeal* to tranſmit theſe *Jewels* to their Poſterities, with the ſame *Luſtre* and *Beauty* that they

(1) *Rot. Parl.* 13. *Ed* 3. *Num.* 8. *Cokes 4th. Inſt. fol.* 14 *and* 34. *Clauſ.* 13. *Ed.* 3 *pars* 2. *Dorſo* 1.

(2) *Preface to Cokes* 2 *Inſtitu.*

(3) *Moores Rep.* 797. *Per.* Popham *Chief Juſtice.*

(4) *Mat. Paris* 839. *Daniels Chron* 169: *Math Weſtm. Speede, &c. in* 37. *H.* 3.

(5) Exod. 19. 16.

(6) *Cokes* 2 *Inſtit. fol.* 525. 526. 527. 25. *Ed.* 1. *cap* 3.

(7) 28. *Ed.* 1. *cap* 1.

(8) 25. *Ed.* 1. *cap.* 4.

(9) *Rot. Parl.* 15. *Ed.* 3. *Num.* 10. and 37.

(10) 25. *Ed.* 1. *cap.* 1.

(11) 42. *Ed.* 3. *cap.* 1. *and* 25. *Ed.* 1. *cap* 2.

(12) *Pupilla Oculi Fol* 50. *cap.* 22. *De ſententia lata ſuper Magnam Charitm.*

(13) *Cokes* 1. *Inſt.* 81. *a. Preface to the* 2d

themſelves had received from their *Predeceſſors*.

I am heartily ſorry to have had ſo invincible an occaſion adminiſtred to me here, of diſturbing the Reſt of theſe ſleeping Muniments of *Propriety*; but this preſumption alſo muſt be added to the black Train of thoſe Calamities which follow this *Pernicious Councel*. It is but natural to Mankind, to bring in what Argumen:s they can to preſerve their undoubted Rights, eſpecially when irritated by that unhappy *Thing*, which renders men not only miſerable, but (as the (*a*) Poet ſaith) *Ridicule* and *contemn'd*. Neither have I here (I hope) invaded the juſt *Regalities* of his Sacred *Majeſty* (for which no perſon hath a higher Veneration then my ſelf) but rather confirm'd them. For (as Sir *Francis* (b) *Bacon* then *Attourney General* ſaid) *Whilſt the Prærogative runs within its Ancient and proper Banks, the main Channel thereof is ſo much the ſtronger, for Overflowes* (he adds) *evermore hurt the River*. Certainly it was no ill ſaying of (*c*) *Plinius Junior* to the Emperor *Trajan*. [*Felicitatis eſt poſſe quantum velis, magnitudinis velle quantum poſſit*] Sir, *quoth he, It is an happineſs for your Majeſty to be able to do what you will, but Greatneſs for you to do what you juſtly may*. And (*d*) *Comines* (that honeſt French Stateſman) Notes, *That it is more Honourable for a King to ſay*, **My Subjects are ſo good and Loyal as to deny me Nothing**, then to ſay, I take what I pleaſe, and I will keep it. *And thoſe Courtiers*, adds he, *that Preach any other Doctrine, do not a little miſtake the Intereſt of their Maſters, and are ſo far from* * *exalting their Grandeur and Prerogative, that they make them indeed no Kings*. For, as (*e*) *Bracton* ſaith, *Non eſt Rex ubi dominatur voluntas*. It is not a King where Will and Pleaſure bear the Sway, but rather ſome † *Cyclopick* Monſter, which eates and drinkes the Fleſh and Blood of Mankind.

(1) Juvenal Saty. 3. *verſus* 151.

(*b*) t *Reſuſcitatio fol.* 65.

(*c*) *In Panegyrico ad Trajanum.*

(*d*) Lib. 4. c. 1

* *Forteſcue de laud. leg. Ang. cap.* 14. *in fine.*

(*e*) Lib. 1. cap. 8. Et Lib. 3 cap. 9. *fol.* 107. *a. b.*

† *King James in his Speech to his Parliament* 1609 *See his Works fol.* 531.

And (as the Lawes of *England* ſo likewiſe) the Imperial and Civil Laws are plainly with us in this point. *In time of Warr*, ſaith (*f*) *Grotius*, *The Subjects Property may not be infringed* [**Niſi graviſſima & ſumma Neceſſitate**] Unleſs in the very extream, and laſt Neceſſity, [*Talia non procedunt*, ſaith (*g*) *Ulpian*, treating upon this Subject, *Niſi ex magna & ſatis neceſſaria Cauſa*] Theſe things may not be done, but upon great and palpable Exigences. And it is not unworthy of Note, that the *Civilians* do evermore chain up this voracious *Lyon* of *Neceſſity*, with the hardeſt and moſt ſtrong Reſtrictions imaginable. For *Firſt*, ſay they, Tryal muſt be made whether the *Neceſſity* of *Violation* may not be evaded by ſome leſs *Injurious Expedients*. (*i*) *Secondly* this is not to be allowed, where the *Poſſeſſors* are preſt with an *equal Want*. (k) *Thirdly* that an aſſured *Reſtitution*, or *Compenſation* be made, when the *Neceſſity* ſhall be blown over. And therefore as its true, that (*l*) *Xenophon* (a great Philoſopher as well as a General) having in his Warrs an irreſiſtible *Occaſion* for Ships, *Embargood* all the Veſſels he could meet with, ſo it is *As* true that (in this Inter-

(*f*) *De Jure Belli. & Pacis lib.* 2. *cap.* 2.

(*g*) *Ulp. l. ſi alius D. quod vi. aut clam.*

(*h*) *Leſs Lib.* 2. *cap.* 12. *dub.* 22. *Num.* 70.

(*i*) *Grotius ib.*

(*k*) Adrian *quod. ub. Art.* 2. *cap.* 3.

(*l*) *De exped. Cyri.*

Interval) he preserv'd the *Lading* safe for the *Merchants*, gave *Food* and *Wages* to the *Marriners*, and when the *Exigence* was over, *restored* the *Ships* to the *Proprietors*, But how well these three above mentioned conditions have been observed in our present *Case*, all Mankind I think hath seen, or heard, and those which are concern'd with the *Bankers* do to their Cost, and some to their utter Ruin, I am sure, feel.

If any man after all this Evidence be yet unsatisfyed in this point, I will send him to *France* (for I would rather find a Prelident there) and advise him to consider the case of *Normandy*. That *Duchy* had been, saith my (*m*) Author, for some time rak'd with *Exactions* contrary to their *Franchise* and *Customes*, and thereupon complain to *Lewis* the 10th. the then *French* King, he by his *Charter* in the Year 1314. Recognizing the *Right* and *Priveledges* of these People, and the *Injustice* of their *Grievances*, grants *that from that time forward, they shall be discharged from all Subsidies and Impositions to be laid upon them by him, or his Successors, without their free Consents*, yet with this deadly sting in the tail of all [*Si necessitie grand ne le requiret.*] Unless in cases of great Necessity: which Minute and almost insensible exception, we see, hath eaten up (upon the matter) all their Immunities, for though these States may seem to assemble, yet their Convention is little better then the (*n*) carkass of a *Parliament*, and they are become but the necessary Executioners of the Royal pleasure. And this *Charter* of the *Normans* (as it was commonly stiled) stands at this Day like the Old *Ruins* of some demolisht *Fortress*, or like a *Sea-Mark*, to warn all succeeding *Merchants* that upon that *Rock*, a *Ship* of the second Rate had been formerly *Split* and *Destroyed*. And if I should say that the *French*, themselves were *Wheedl'd* and decoy'd out of their *Parliaments*, by the very same Engine of *La Grande Necessite*, I should not perhaps affirm the Thing without Authority. *James* * *Howell*, our first Historiographer Royal, tells us *That during the Fury of our English Warrs in France* (in the Reign of our *Henry* the 6th.) *The Necessitie of the Time cast the Power of the French Three Estates, (as to the leavying of Taxes, &c.) Solely upon their* Charles *the 7th. and He* (upon the Expulsion of the *English*) *and his Successors, constantly after him*, saith that Author, *have made a Vertue and Advantage of the same Necessitie.*

(*m*) Commentaires de Guillaume Terrien sur le Custumier de Normandy Print at Paris 1574. cum Privilegio. Lieure. 2. Chap. 7. Fol. 26. & 27. Des Gens de Trois Estates.

(*n*) Comines Hist. of France Lib. 13. Fortesc. Cap. 35.

* His Dodona's Grove in the Chap. of Ampelona. Andrew Favine his Theater of Honour. Lib. 2. Cap. 12.

It is most evident that in the Eighth Year of our King *Henry* the fifth, (at what time he had compleated his conquest of *France*) that the *French Nation* did then actually enjoy their *Three Estates*, in the *Height* and *Exaltation* of *Power*. And that no man may think *I* Write this without good Warrant, in proof thereof *I* do vouch our own *Parliament*

* Rot. Parl. 8 H. 5. Num. 14. Approbacio pacis inter Regna Angliæ & Franciæ, nuper concluſa.

* *Roll* of 8°. of the ſaid King wherein the *Peace* and *Accord*, between the two Crowns, was ſolemnly ratified by our *Parliament*; in the which Record is recited this following Clauſe *verbatim*. [*Quod Karolus* (textus) *Rex Francorum Regali ſolio ſedens, Tres Status Regni ſui, videlicet Prelati & Cleri, nec non Proceres & Nobiles, ac etiam Cives, Burgenſes, Civitatum, Villarum, ac Communitas dicti Regni, Pacem preditam, ac Omnia & ſingula contenta in eadem, Approbarunt, Laudarunt, Acceptarunt, & Autorizarunt.*] That Charles (*the ſixth*) *King of the* French *ſitting upon his Royal Throne, the Three Eſtates of his Kingdom*, viz. *The Prelates and Clergy, as alſo the Nobles and Grandees, together with the Citizens, Burgeſſes, of Cities and Towns, and the Commonalty of the ſaid Kingdom of France, the ſaid Peace*, &c. *did Approve, Allow, Accept, and Authorize.* (certainly words ſufficently evidencing the Ancient *Energy* of *Parliaments* among the *French*) Sothat [*Car tel eſt noſtre plaiſir*] (ſo uſual in the the Modern Edicts of thoſe Kings) hath not alwayes been a Law there, And thoſe People may now *ſing* (or *cry* rather) with the Poet, *Fuimus Troes! Fuit Ilium! ſed jam ſeges eſt ubi Troja fuit.*

I ſhall now draw the Arrow to the Head, and conclude this Section with a certain remarkable Clauſe contain'd in the Anſwer of his Late *Majeſty* of glorious Memory, to the 19. Propoſitions preſented to him (*a*) 2 *June*, 42 in (*o*) *June* 42. The words to a Sillable are theſe.

* *See the great Volume of the Works of King Charles the firſt (Printed cum Privilegio) Among the Declarations there. Fol. 97.*

* Again (ſaith his *Majeſty*) that the *Prince* may not make uſe of *His High and perpetual Power, to the hurt of thoſe, for whoſe good He hath it, and make uſe of the* Name of Publique Neceſſitie, for the gain of His Private Favourites and Followers, to the Detriment of His People, The Houſe of Commons, (an exlent conſerver of Liberty, but never intended for any ſhare in Government, or the chooſing of them that ſhould Govern,) Is ſolely intruſted with the firſt propoſitions concerning the Leavies of Moneys, (which is the ſinews as well of Peace as War.) And the Impeaching of thoſe who, for their own Ends, though countenanced by any Surreptitiouſly-gotten Command of the King, have violated that Law, which He is bound (when He knows it) to protect, and to the Protection of which, they were bound to adviſe Him, at leaſt not to ſerve Him in the Contrary.

SECT. 7.

The Rapines of Ed. 1. *and* Ed. 3. *Upon the Subjects Moneys, in the Churches, and Monaſteries, and other places of the Kingdom, conſidered at large, and Anſwered. What courſes the Law hath provided for the Defence of the Land, and Seas, where the Danger is inſtant, and cannot ſtay for a Parliament. The Paſſionate care and zeal of this State, for the* Bankers, *and their Creditors, upon the* Dutch *Invaſion in the* Year---67.

SAY, *But did not our* Edw. 1. *and* Edw. 3. (ſaith the Adviſor) *do greater things then ſtopping the Exchequer? are not our* Chronicles *full, of their Rapines upon the People, and their breaking even into the* Churches *and Abbies, and raviſhing from thence the Treaſure of the Subject, for Supply of their Warrs?* *Object.*

Admitting this Allegation to be true, I Anſwer.

Firſt, we Diſcourſe not here what hath been done, *de facto,* but what may be done *de Jure.* And to counterballance theſe, we may put other Ancient and Late Princes of this Realm of a contrary complexion, into the other Scale. *Sol.*

Canutus (the firſt *Daniſh* King of this *Iſland*) commanded by ſevere * *Edict*, that his *Councellors* of *Eſtate, ſhould not preſume to ſuggeſt to him, any ſiniſter Projects of leavying Money upon his Subjects,* [*Quia nulla mihi Neceſſitas eſt, ut iniqua Exactione pecunia mihi congeretur.*] *For I have no need,* ſaith he, *to ſupply my ſelf with money by ſuch wicked Exactions.* * *Malmsbury de Geſtis Reg Ang. L. 2. C. 11.*

King *Henry* the Second, ſay our (*a*) Chronicles, maintain'd great Wars, and obtain'd a larger Dominion then pertain'd at any other time to this Realm of *England*, and notwithſtanding *Never demanded Subſidy of his Subjects*; and yet his Treaſure after his death was found to be, Nine hundred thouſand pounds, beſides his Jewels and Plate. Certainly a prodigious ſumm in thoſe dayes! (*a*) Speed, Baker, Haywards. *Hen. 4. 1. Part. p.* 56.

(b) *O'd Statutes* 1. *Maria ſeſſio* 2. *Cap.* 17.

It is notorious alſo that *Queen* (b) *Mary* did by her *Letters Patents*, of her meer *Grace* and great *Clemency* for the *Succour* and *Relief* of her Loving *Subjects* (ſaith that Record) *Pardon and remit a whole Subſidy given by them to her Predeceſſor*, which releaſe was afterward confirm'd by Parliament. And Queen (c) *Elizabeth* alſo remitted one Subſidy of four granted to her ſaying, *It was all one to her, whether the Money were in Her Subjects Coffers, or her own*. The ſame *Queen*, ſaith (d) *Cotton*, *For the Eaſe of her People pawn'd the Jewells in the Tower, beſides the often Morgage of her Lands.*

(c) Cambden *vita Elizabethæ.*

(d) *Poſthuma.* 176.

And to the Immortal *Renown* of the glorious King *Charles* the *Firſt*, It is yet freſh in the *Memories* of many Perſons living, that though upon *Juſt Apprehenſions* of the *Scotch Invaſion* in the Year 39. he did ſuddainly *Stop* the *Subjects Moneys* in the *Mint* of the *Tower*, *He* did yet forthwith *ſecure* the *ſame* upon the *Cuſtomes*, and at the End of the *ſix Months*, repayd the *Principal* and *Intereſt* even to a very *Farthing*. An *Action* ſo full of *Glory*, that I would Illuſtrate it with a *Quill* drawn from the *Wing* of a *Cherubim*, if I were able!

I could yet go on in *Examples* of this Nature, but becauſe I have in good meaſure fill'd this *Scale* before in my fifth Section, with *Princes* of a like *Pious Temper*, I ſhall think fit at preſent to deſiſt.

Secondly, theſe Depredations begot many good Laws for the firmer munition of *Property* for future time, and particularly this violence of *Edw.* 1. was executed in the 25*th.* Year of his Reign, and in that very Year (and not in 34°. as our Printed Statute Books ſay) was made the Statute *de Tallagio non concedendo*, with which the Engliſh defend themſelves (ſaith (*) *Bodine*) *quaſi Clypeo*, as with a Buckler againſt their Prince.

(*) *De Repub.* lib. 1. *Cap.* 8.

Thirdly, this King (as our Chronicles affirm) laid this Outrage much to heart, and that before his Royal Pallace at *Weſtminſter*, invironed with infinite numbers of his People, thither by him purpoſely ſummoned, and being rais'd upon an *Aſcent or Pedeſtal, the better to be heard and ſeen (the Prince, Arch-Biſhop of *Canterbury* and the Earl of *Warwick* alſo ſtanding with him) [*Rogavit populum acceptâ licentiâ* (ſaith (e) *Knighton*) *ut omnia condonarentur ei, & orarent pro eo.*] He earneſtly intreated the People that they would forgive him, and pray for him. And (f) *Matthew Weſtminſter* goes yet farther [*Rex erumpentibus lacrymis*, (ſaith he) *veniam de commiſſis humillimè poſtulavit.*] The King burſting forth into Tears, did moſt humbly aske pardon for what he had done; (a paſſionate tranſport of a Prince that before that time had rendred himſelf redoubtable among the *Saracens*, as well as the *French*, and that had Triumpht over *Scotland*, and *Wales!*) [*Dicens*, ſaith the ſame *Hiſtorian*, ſo

Lignum Græcus.

(e) *Lib.* 3 *Cap.* 9. *columna.* 2510.

(f) *Matth. Weſtminſter.* Pag. 409. 410.

se minus bene & tranquille quam Regem deceret, ipsos rexisse, &c.] Adding, that he had not (he confest) Governed them with that *Tranquility* and *Tenderneſſe* which became a *King* and *Father* of his *Country*, That the *Ayds* which they had granted him, or that his *Officers* without his *knowledge*, had extorted from them, were all expended in repelling the *Hoſtilities* and malice of thoſe which *thirſted* after *Engliſh-Blood*. Behold! (ſaith he) I am even *now* alſo going to expoſe my own *Perſon* to the hazzards of War for your ſafety and Advantage, *&c.* And after he had excuſed himſelf to them, with all the ſweetneſs of Expreſſion, adds: (*g*) [*Et omnia ablata reddam vobis.*] **And I will reſtore all that I have** (*g*) *Matth. Weſt.* ibid. **forc'd from you.** And in purſuance of this promiſe, forthwith makes an * *Ordination of Councel*, which I have ſeen, to iſſue forth Commiſſions of *Oyer* and *Terminer*, into all the Counties of *England*, to enquire what things had been forcibly taken by his Officers, out of the *Churches or elſe where*, from the *Clergy* or *Laytye*, either to guard the *Seas*, or for any other purpoſe, with *Warrants* or *without*, during his Wars with *France*, and to determine thoſe matters. Farther arming his *Commiſſioners* with theſe *Inſtructions*. 1. If the Things were taken by the Sherriff or other Officer of the King, *without Warrant*, there the *Officer* to *Reſtore* and be *Puniſht* for the Treſpaſs. 2. If the *Warrant good*, yet if the *Bounds* thereof *Exceeded*, then the *Officer* to make *ſatisfaction*. 3. Where the *Warrant* good, and *Executed according to the purport* thereof, there upon *Certificate*, [*Le Roy*, ſaith the Record, *enferra tant qe il ſa fiendra a faire par Reſon*,] **The King would thereupon make reaſonable Satisfaction to the Parties wrong'd**, which (*h*) Commiſſions were accordingly executed (many of which I have ſeen) in which are contained many Excellent particulars, too long here to be recited. And for thoſe ſmall *Remanders of Moneys* which hapned not to be reſtored or ſatisfied by vertue of thoſe Commiſſions, they were two or three Years after, *Recovered* in the very *Ordinary Courts of Juſtice*, to prove which (among many others) I will cite this one Record. (*i*) *Coia. Pa. M.* 29. *Ed.* 1. *Rot.* 29. The King *pro urgentiſſimis Regni negotiis, & pro deſſentione totius Regni*, ſaith the Record, *had ſeized divers ſumms of Money in all the Abbies, Cathedrals, and Religious Houſes within the Realm*, (& quo citius commode poterit) *promiſed repayment: In the Parliament of* 29. *Edw.* 1. *At* Lincoln, *the King is Petitioned for repayment, who promiſeth payment.* Ita quod Regis conſcienta ſuper hoc exoneretur, *and there, and* Rot. 19. *Divers ſummes are adjudged to be repaid.* Now to compleat the *Conſtellation* of this Princes *Glories*, I ſhall briefly adde. *Firſt* that (*Ad Exonerationem Animæ H. Regis patris noſtri*, as our (*k*) Records ſay) To dicharge the Soul of his Father King *Henry*, he made Honnourable *Payment* even of his ſaid Fathers *Debts*. Second-

* *Bundelæ Breviũm de privato Sigillo in Turre* London; *Anno* 25. *Ed.* 1. & *Pat.* 26. *Ed.* 1. *Mem.* 21.

(*h*) *Pat.* 26 *Ed.* 1. *Memb.* 21. *de inquirendo ſuper gravaminibus populo Regni factis*, &c.

(*i*) *M* 29 *Ed.* 1. *Rot.* 29 *Dorſo.* *pro Eboraco.*

(*k*) *Pat.* 4. *Ed.* 1. 19. *Inus.*

ly

Secondly, that though as to the above mentioned *Rapines*, he might in some measure have *Shifted* himself upon the *Evil Councels* of his (*l*) Lord Treasurer *William de Marchia*, and by this so fine an *Artifice*, have with the less Scandal drunk up the *Tears* of the *Widdow*, and *Saginated* himself with the * *Blood* of the *Orphan*, yet he thought such *Acts* far beneath the *Grandeur* of a *King* of *England*, and to savour of an *Exility* and *Narrowness*, not at all *Compatible* with his own great and *Stupendious Soul*. And *Lastly* when he was about to surrender this his Mighty *Soul* into the *Bosome* of the King of Kings, and had sent for the young Prince, to instil into his tender mind no less then 34 years Experience in the *King-craft*. In the first place (saith (*m*) *Walsingham*) he admonisht him [*Justum fore & affabilem universis*, **Constantem in Dictis & Factis**, familiarem bonis & præcipue miseris miserecordiam impertiri] *To be just and affable to all men*, **To be constant to his Word and Deed**, To be Familiar with good men, **But above all to be compassionate to the Distressed**. So that upon the whole matter, notwithstanding this Objection, I think we may concur well enough with Sir *William Herle* Ch. Justice of the *Common Pleas*, who in (*i*) 5. of *Edw.* 3. saith of this Ed. 1. (in whose time he lived, and Served him) [*Que fuit plus sage Roy que unques fuit*] **That he was one of the wisest Kings that ever was in the World.** *And* (Bacon *adds*) *the best Lawgiver to this Nation.*

For *Ed.* 3. his *Rapines* likewise produc't very beneficial Lawes to the Subject, as will be manifest to any man that shall peruse the Statutes of that time. They were Actions which he never Justified, but *Excused*, alway with singular *Resentments*. As appears by his Elegant Letter (extant upon (2) Record) to *John Stratford* then Arch-bishop of *Canterbury*, *In the which he recounts the Tallages, and Exactions, with which he had burdened his* People, *which* (he saith) *he could not mention without inexpressible grief of Mind, and there Excuseth himself upon the inevitable Necessity of his Warrs, and desires the Arch-bishop to* Pacify *the people by Grant of Indulgences, Godly Exhortations, and to stir them up to pray for him, hoping ere long he should*, Beneficiis Compensativis Populum suum visitare & consolari (*saith the Roll*) make them Compensation, and give them comfort.

And was this promise of his, nought else but a thin Ayr, and Delusion? Nothing less I'le assure you; For (to omit other Evidence) I find by the Printed (q) Statutes of that Time, that this Prince the better to enable his poor *Commonalty* to pay their *Subsidies*, for the carrying on his *Warrs*, did frequently grant to them the *Amercements and Forfeitures of all Laborers, Artificers, Regrators, Vitailors, Hostlers & other Malefactors throughout* England. (a matter even in that Age of no despicable valew) Nay, (which is far more) for the alleviation and Ease of his People in this kind, he

(*l*) *Math. West. Polydore Virgil.* vita *Ed.* 1.

* *Pecunia est Sanguis.*

(*m*) *vita Ed.* 1 *Fol.* 93.

(*i*) *Pasch.* 5. *Ed.* 3. *casus* 5. Cokes 2. *Inst.* 536. *Bacons H.* 7. *Fol.* 71.

(2) *Rot. Almaniæ* 12. *Ed.* 3 *Mem* 22. *in Dorso De excusando Rege Populum versus.*

(*q*) *Old Book of Statutes* 23. *Ed.* 3. *Cap.* 8. 25. *Ed.* 3 *cap ult.* 36. *Ed* 3. *cap.* 14.

he did not ſpare three ſeveral Times, [*Invadiære magnam Coronam Angliæ (*ſay our Records)] *to Pawn even the very Imperial Crown of* England, once for 4000 *l.* to certain Merchants of *Florence*, and twice after to Sir *John Weſſenham* his own Merchant, in whoſe Cuſtody it remained eight years together.

Pat. pars 1a. 17. Ed. 3. pat. 24 Ed. 3. Memb. 21. Clauſ. 30. Ed. 3. Cam de Term Hill. 38. Ed. 3. ex parte Rem Regis.

There remains yet one Objection, with which I am enforc't to encounter, Se defendendo, *becauſe I perceive it ready to aſſail me. And that is, that the Parliament is a great body,* (I ſpeak it with all due Reverence) *and moves ſlowly, and therefore if the Law allow not ſome other courſe (as this of Stopping the* Exchequer *or the like) in raiſing Money in caſe of ſuddain Danger, the Kingdome may be Loſt before the Parliament can ſupply, And like* Archimedes *we may be plodding upon our* Schemes *and* Figures, *when the* Enemy *is entring our very Harbors.* Ob.

To this I Anſwer, That all *Warrs* are either *Offenſive*, or *Defenſive*. If it be *Offenſive*, it cannot be ſuddain, for it is the *King*'s own *Act*, and the reſult of Mature Deliberation, and ſo there may be time enough to call a *Parliament* if it ſtand with his Sacred Majeſtie's good Will and Pleaſure. For as the Law hath preſcribed this courſe alone, in ſuch Caſe to ſupply the King with the Subjects Treaſure, ſo it hath plac'd in him likewiſe the power of uſing this courſe, as often as he thinks fit. *And a War begun by the Conſent and concurrence of the People* (we ſee) *is more vigorouſly Proſecuted, and the Prince thereby becomes conſtantly more formidable to the Enemy.* If it be a *Defenſive* War by *Foreign Invaſion*, which I ſhall (to avoid Cavil) agree may be ſuddain (though a Great (3) *Stateſman tells us, that theſe Clouds are commonly viſible afar off, before the Tempeſt fall*) I ſay if by Foreign Invaſion, then firſt, the Impulſe of *Self-Preſervation* (an indelible Character wrote on every Man's mind by the very hand of *Nature*) will diſpoſe all Mankind to expoſe their *Lives* and *Eſtates*, which otherwiſe they muſt inevitably loſe. And this ſeems to be the *Caſe* of this Kingdome in the Year 88. for there was then no *Parliament* ſitting, but many of the *Worthies* of that time, (ſome of whoſe Names are (4) tranſmitted to Poſterity) at their own private charges, brought in *Men* and *Ships* to the *Common Defence*.

Sol.

(3) *Comines Lib. 5. cap. ult.*

(4) *Cambd in vita Eliz. 1588.*

But *Secondly*, if we are to ſuppoſe that men muſt be *Drag'd* and *Haled* to their own *Preſervation*; I ſay then the Law hath provided *That in caſe of Forreign* Invaſion, *every* Subject *within the Land, High or Low, whether he hold of the King, or not, may be compeld at his own charge, to ſerve the King in Perſon.* To prove this I can vouch Authorities from *Common Law, Statutes*, and *Records*, which for brevity I will not quote at large, but (leaſt any man ſhould doubt hereof) will only point where they may be found. For *Common Law*, ſee 7. *H.* 4. *Brook Tenures* 44 & 73. *Fitzh.*

Protection

Protection 100. *Coke 7. Re. 7. b. Calvin's Case. 2 Rolls Title Imposition* 165. &c. 1 *Inst.* 69. *b. in fine.* 2. *Inst.* 528.

For *Statute Laws* see (among many others) 1 *Ed.* 3. *cap.* 5. 11. *H.* 7. *cap.* 1. 11. *H.* 7. *cap.* 18, *&c.*

For *Records* (among many others that I have seen) I will crave leave to vouch two, for Land Service.

(5) The First is 14. *Johannis Regis*, where upon an imminent *French Invasion*, King *John* issues out Writs, in which he summons all his Subjects, *High* and *Low* to repair forthwith to *Dover*. *Ad defendendum caput nostrum* (saith the Record) *& capita sua, & quod nullus remaneat qui Arma portare possit, sub nomine* * *Culvertagij, & perpetuæ servitutis &c.*

(c) *Math. Paris* 223 *Math. Westm.* 92.

* Base Cowardise or Turntail so the Glossaries

The other is upon a *French Invasion* too, design'd against this Kingdome in 26. Ed. 3. The which being a (6) Record so appolite to my purpose, I shall recite somewhat more at large.

(6) Rot. Franciæ Anno 26. Ed. 3. Mem. 5.

Rex dilecto consanguineo & fideli suo Henrico Duci Lancastriæ salutem. Quia Adversarii nostri Franciæ Nos & Regnum nostrum Angliæ invadere machinantes, ad nos & Dominium nostrum, & totam Nationem Anglicanam pro viribus destruend. Nos considerantes Omnes Incolas dicti Regni cujuscunque conditionis extiterint, cum versetur commune periculum teneri de jure pro patria pugnare, & eam contra Hostiles Aggressus defensare.---*vobis mandamus quod omnes homines defensabiles tam milites & Armigeros quam alios quoscunq; de dicto ducatu cujuscunq; status seu conditionis fuerint arruiari, & quemlibet eorum juxta statum & facultates suas, Equitaturis & Armis competentibus muniri, &c.*

The like Provisions also hath the Law made for *Sea-services*. And therefore in Case of *Imminent Invasion*, the Kings of *England* have frequently commanded, not only their Admirals, but the *Warden* and *Barons* of the *Cinqueports*, and others, to Arrest *Ships*, of Warr, or other *Vessels*, of Merchants, and to *Impress* and *Provide Masters* of *Ships*, *Seamen*, *Arms*, and all other Necessary *Ship-tackle* for repression of the *Common Danger*. I shall not tyre my Reader with *Presidents*, but shall rather choose to refer him to Mr. *Prinnes* Animadversions upon the Lord *Cokes* 4th. *Institutes*, Fol. 127. 128. where he will find quoted at least a Sack full of *Records*, to that purpose.

(a) *Cokes* 2. *Inst.* 167.
(b) *Cokes* 11. *Rep.* 91. *b.*
(c) *Plowden* 315. *Le case de Mines.*
(d) *Davis Rep.* 9. *b. Case de Customes.*
(e) *Cokes* 1. *Inst.* 75. *b.* 35. *H.* 6. 41. *a.* 14 *Ed.* 3. *Parl.* 2. *cap.* 1. 7. *Ed.* 1. *Stat de Mortmain.*
(f) 12 *Car.* 2. *cap.* 24.

I shall decline also here to inlarge upon sundry great *Regalities* and *Flowers* of the *Crown*, given purposely by the *Law* for the *Defence* of the *Realm* in times of *Necessity* and *Danger*, (As among many others) (a) *Wrecks* of the Sea, (b) *Treasure Trove*, (c) *Mines of Gold and Silver*, The *Grand* and *Ancient* (d) *Customes*, and heretofore (e) *Wardships*, and the *Dependances* thereupon. (though by a late (f) *Statute* its true now abolished, yet by the very same (f) Statute Liberally compensated) Neither shall I insist upon that vast and stupendious Revenew of *Tonnage* and

and (g) *Poundage*, which was at first, and hath been all along, and is now still granted for the *Defence* of the *Realm*, and *safegaurd* of the *Seas* in time of *Necessity*, and *Invasion*, and so *in terminis* is expreſt to be, in thoſe (h) Statute Laws whereby it hath been given, and perticularly in the (i) Statute of 12o. of his *Majesty* that now is, and accordingly recognised somtimes in the *Royal*(k) *Declarations* themselves. I shall only Obſerve, that the *Law*, in all probability, hath made these mighty *Provisions* which I have recited, that the *Crown* might have no pretence upon any Occasion whatsoever, to alter the Subjects *Property* without his *free Consent*, or at leastwise these involuntary *Phlebotomies* to be forborn, except where the very *Life* of the *Body politique*, can by no other *Applications* be preserved.

(g) Cokes 4th. Inſt. Fol. 32, & 33.
(h) 1. *Jacobi*. Cap. *ult*.
(i) 12. *Car*. 2. Cap. 4.
(k) *Raſhworths collect. in the Appendix*. Fol. 4. & 10 *Declaration of* King *Charles the First*.

I shall draw towards a conclusion of this Section, with a case of very recent *Memory*, and of singular *Notoriety*, throughout the whole Kingdom, I mean that of the *Conflagration* of our Ships by the *Dutch*, not many Years past in the River of *Chatham*. There prevail'd at that time an universal Jealousy among the People, that upon this Occasion some suddain *Stop* might be put upon the *Exchequer*, and thereupon, the *Bankers* were exercised with restless *Solicitations* for the speedy Payment of their *Debts*. The King for the sedation of these Fears and Apprehensions, is adviſed (and not without infinite prudence) to issue forthwith his * *Declaration* to preserve inviolable the course of Payments in the *Exchequer*, which was accordingly done. Now let's see what were the grounds of this *Declaration*. Why truly they are expreſt there to be. First, *Least the Credit of the Bankers (who had been so useful to the King) might be weakned*. Secondly, *Least the King's Securities might be undervalued*. Lastly, *Least in consequence the publick Safety might be endangered*. Now all that I shall say is this. That (of what value in *Reason* of *State* it may be, I know not, but) to men of vulgar *Negotiation* it seems a *Riddle*, and Matter inextricable, that these *Considerations* which at *that* time appear'd to have been of so *Politique* and *Valuable Regard*, within the space of two or three Years, upon a *like* Occaſion, should be thought by this *Adviſor* clearly *Obsolete*, and altogether void of *Prudence*, And the *Credits of the Bankers, Royal Securities, and the publique safety so little by him consulted. Idem manens idem, semper facit idem*:

*See the Declaration at the End of this Treatise.

In fine (as the Lord *Chancellor*(l) *Bacon* tells us) *The People of this Kingdom love the Laws thereof, and nothing will oblige them more then a Confidence of the free enjoying of them, what the Nobles of this Land upon an Occaſion once said with one Voice in* Parliament. [(m) *Nolumus Leges Angliæ mutari*.] **We will not have the Laws of England Altered**, *is Imprinted upon the hearts of all English Men, who take themſelves*

(l) *Cabala of* Letters. Fol. 43.
(m) Stat. *de Merton in* Cokes 2d. Inſt. Fol. 96. 97. &c.

ſelves to have as good a Title to their Laws, as to the the common Ayre they breath in. And one of the beſt * *Kings* perhaps that ever was, once told his *Parliament*, his *Maxime* was this. **That the Kings Prerogative is to Defend the Peoples Liberties, And that the Peoples Libertie, ſtrengthens the Kings Prerogative.** For if the *Foundations* be deſtroyd I am ſure the *Pinnacles* are not out of Danger.

* King *Charles* the 1. *upon his ſigning the Petition of Right. See* Pulkons *Statuta in* 3. Caroli, *Primi.*

I have at length diſcharg'd my ſelf of all theſe grand and Coloſſus Objections, in how tolerable meaſure I muſt leave to the Candor of my Intelligent Reader; But if it happen that I have herein given ſubſtantial and effective Anſwers thereunto, I dare ſay this Audacious Counſel hath then no farther ſupport by the Lawes of *England*, or of any other Civil Nation, But muſt of *Neceſſity* fall to the ground. However I am to enter my *Proteſtation*, that I would gladly have declin'd ſo ſublime and important an *Argument*, if the Nature of this *Diſcourſe* had not (much againſt my own *Inclination*) compeld me to the contrary.

How this *Caſe* then ſtands in point of *Laws*, &c. We have already ſeen, how it ſtands in point of *Politie*, *Humanity*, and *Common Reaſon*, comes in the next place to be conſidered.

Sect. 8.

That this Counſel is contrary to the policies that have been practiſed heretofore by the wiſeſt Forreign States of the world, in far greater Exigencies then ours. The Objection (of Princes not repaying Money lent them by their Subjects to keep them in better Obedience) Anſwered. The Inconvenience that hapned at Rome *upon an Impeachment of the* Bankers, *and* Uſurers. *That perſons concerned here in the Stop of the* Exchequer, *will be loſers by loſs of Opportunities for bargains, &c. In this Interval.*

ALL men agree that *Rome* (whether *Monarchial* or *Republique*) was a *State* founded upon the choiceſt *Polities* that ever were practiſed in the World. And, as (*a*) *Florus* ſaith, *he that Reads their Atchievements, contemplates not the Geſts and Actions of one ſingle People, but even of all Mankind.* Let us then conſider, what Expedients this ſo prudent a Nation Exerciſed in caſes of like Nature.

(*a*) *In proemio ad* Hiſtoriam.

It

It is plain this, State was never under a streighter Duress or Pinch, then after their dismal Defeat at the Battail of *Canna*, for then had *Hanibal* broke into *Italy* like a *Deluge* of the Sea, bearing down all before him, and at length this *Tempest* of War had begirt the very walls even of *Rome*, with his Triumphant *Army*, and which was yet worse, the Roman *Treasury* was totally exhaust.

In this Extremity *Levinus* and *Marcellus* the Consulls declare forthwith by *Edict*, That each private Person of such an Estate (and so others proportionably) should furnish out a Souldier at their own charge for thirty Days. *Ad id Edictum*, saith (*b*) *Livy*, *tantus fremitus hominum, tantaq; Indignatio fuit, ut magis Dux, quam materia Seditionis, deesset.* **Upon this Edict so hot was the rage and petulancy of the People, that there wanted nothing but a Leader, to have put all into a Cumbustion:** The *Commonalty* crying out that they had now for many Years bin loaded with *Tributes*, that their *Lands* lay *Fresh* and *Devastated*, and that they could not by any force be compel'd to give that, which they had not to give: And this and much more they spake, not in corners, but even in the *Market-place*, and in the hearing of the very *Consuls* themselves. In so great an *Agony* of the *Body Politique*, the *Lords* of the *Senate* Assembled, to consult how they might with more security Levy *Money*, and string themselves a fresh with new *Sinews of War*, after many temerarious Courses proposed, and rejected, they thus reasoned, as (*c*) *Livy* and *Florus* relate, amongst themselves. *Omne Aurum*, say they, *Argentum, Æs signatum, ad Triumviros Mensarios deferamus, nullo ante Senatus consulto facto, ut voluntaria Oblatio*, &c. **Let us our selves that be Senators, first bring into the publique Treasury all our Gold, Silver, and Money, and this too without any formal Decree, that so this voluntary Oblation of ours may excite an Emulation of supplying the Common-wealth, first in those of the** Equestrian **Order, and then of the Commonalty**; In pursuance of this proposal, the Lords of the Senate brought in all their Treasure accordingly: Now see what the consequence hereof was. *Hereupon*, say the same (*d*) Historians, *the Knights and Gentlemen followed the Example of the Senators, and the Commoners that of the Knights and Gentlemen; And the Contributions were so large, and the Conflicts so sharp for priority of registring names, that the Exchequer had hardly Books, and Clarks enough, to enter the particulars.* (*e*) *Bodine* commenting upon this prosperous Councel, hath these very words. *Cum Annibal Italiam quateret, Vrbemque ipsum obsideret, Senatus diruto ærario nova Tributa Subditis aut Sociis imperari noluit.* **Nihil enim prementibus hostibus tam periculosum.** When *Hannibal* had made *Italy* to Tremble, and had besieged *Rome* it self, the *Senate*, though the publique Treasure were spent, would not impose new Tributes upon their Subjects

(*b*) *Livii Lib.* 26.

(*c*) *Livii lib.* 26. *Flori. lib.* 2

(*d*) *Livii lib.* 26. *Flori. lib.* 2.

(*e*) *Bodin de Repub. lib.* 6. *ca.* 2 *de Ærario.*

 and

and Colleagues; for nothing, saith he, can be more hazardous upon an instant impression of an Enemy. Neither is it to be forgotten, that the fame (*f*) Historians add, that *Parta Victoria*, &c. That after Victory obtain'd, and the Carthaginians discomfited, the Senate had decreed the Repayment of every Lenders Money justly and honourably, which was Executed accordingly.

(*f*) *Livii lib* 26. *& lib.* 31. *Bodin. lib.* 6. *cap.* 2.

(*g*) *Boterus de politia Illustrium, &c. Lib.* 7. *ca.* 3.

The Learned (*g*) *Boterus* Relates a *Story* very appolite to this purpose. [*Ladislaus Dux* Neopolitanus *victus*, saith he, *fugatusq*, *ab hoste*, &c.] *Ladislaus* Duke of *Naples* being vanquisht of the Enemy, flies to *Naples*, and there consults about raising *Money* for the reinforcing of his *Army*, and had resolved (by the *Advice* of *Persons more factious then Wise*, saith that Author) to effect this, by Imposition of new and unusual *Taxes*, this being intimated to one *Gorelus* (a person of singular Prudence and Gravity) he forthwith repairs to the Duke, and bespeaks him after this manner, *I am afraid* (GREAT SIR) *that whilst you are sollicitous of repelling the Enemy, you take no care of* falling into the hatred and Malevolence of your own Subjects, by this imposition of a new Tribute: *I beseech you Sir, what can your greatest Enemies breath after with a warmer zeal then that you should follow a Councel*, that will assuredly dispoile you of the Love and fidelity of your People? *Banish then* GREAT SIR, *out of your Royal Breast so pernicious a Determination; for that Money which you want, my self with some other of your servants (who are to run the same Adventures of Fortune with your Majesty) will presently supply you*; And taking a Pen in his hand, he put down what each Person (*himself principally*) was to pay, and the Money was in a moment brought in, *Prudentissimum sane pro re & tempore*, &c. Saith *Boterus*. A most prudent Councel for the matter and occasion, given by Gorellus, and approved by the Duke, by which, saith he, the wiles of the Enemy were prevented, and the popular Quiet and Contentment consulted.

Now because Contraries appear best by Opposition, I will produce one instance or two, a little Diverse from *These*. *Augustus Cæsar* had suddain *News* brought him of a vast *Army* in the raising by *Mark Antony*, to encounter with him; The *Prize* to be fought for, was no less then the *Empire* of the World. *Augustus* (being young, and instigated by evil Councels) squeeses the people with *Taxes* towards the support of this War. The people hereupon began to *Mutiny*, *Insomuch that* (as (*h*) *Plutarch* Reports) *the wisest men of that time took it for granted, that if* Antony *in this Conjuncture had approacht nearer with his Army, the Romans would have assuredly revolted, and delivered up* Cæsar *into the hands of his Enemyes*. But, as he saith, the imprudent Delaies of *Antony* gave time to the People of concocting their *Discontents*, and of the

(*h*) *Invita Antonii.*

Sedation

Sedation of their Paſſions; neither is it to be neglected that this *Illuſtrious Perſon*, after the defeat of *Antony*, and his own *Acceſs to the Empire*, took ſuch warning by this hazzardous Miſtake, that ever after, he abandoned all *Councells* of this Nature. And unto that degree, that in the laſt twenty Years of his Reign, he laid out upon the Publique Benefits and *Emoluments* of the *Common-Wealth*, as (*i*) Suetonius Writes, little leſs then, [*Quater decies Millies* * *ſeſtertium*, That is,] *Eleven Millions, Eighty thouſand, five hundred thirty three pounds, ſix ſhillings eight pence* Sterling: *Beſides his two paternal Patrimonies, and other his Inheritances.* (*k*) *Others report, thirty five Millions of Gold, beſides the two aforeſaid Patrimonies.*

(*i*) *Vita Octavii. cap. ultimo.*

* See for this valuation Budæus de *Aſſe*. Hackwel's *Apology* and *Savil's* notes on *Tacitus* Hiſtory, *lib.* 1. *cap.* 6.

(*k*) *Life of* Auguſtus *bound up with* Plutarchs *Lives.*

And the Learned (*l*) Sr. *Henry Savile*, imputes the immediate Cauſe of the Ruin of the Emperor *Nero*, to his *unſeaſonable Exactions of Monyes*, upon the firſt Tidings of *Galbae's* Revolt, *And therefore*, ſaith he, *a Wiſe* Prince *will leaſt greive the Subject with new Impoſitions in time of Civil and publique Dangers, as ſeeming then*, adds he, *in ſome ſort to ſtand to his Peoples Courtiſy, and having beſide Occaſion at that time, to imploy their Bodyes in his Service.*

(*l*) *In his Preface to his Notes on Tacitus.*

Object. Many other Examples of like Nature I could produce out of Hiſtory and Policy, which yet (for brevity ſake) I forbear to do, and haſten to Anſwer an Objection, *viz.* That, as *certain Authors* affirm, ſome *Princes* have by great *Uſuries, Decoyed* vaſt ſummes of their Subjects Moneys into their *Exchequers*, and forborn afterwards to repay them, on purpoſe to Oblige their People to a *Stricter Obedience*, and *Fidelity to the Crown*, And this *Artifice*, as *Bodine* Reports, was recommended, as a ſubtle Project, to the *French Kings*, and accordingly practiſed by them.

Sol. I ſhall anſwer this *Objection* in the very words of the ſame (*m*) *Bodine*, in an other place. [*Hæc quidem tolerabilia viderentur*, ſaith he, *Si quod Regibus noſtris perſuaſum erat, Civitates, obſequio & fide majore, acceptis mutuo pecuniis, devincire potuiſſent, ſed nullis temporibus graviores in Gallia tumultus, aut plures Civitatum defectiones, extiterunt.*] *Theſe Councels had been tollerable*, ſaith he, *if as theſe State-Mountebanks would perſwade our Kings, the People by this Deteiner of their Money, would have been contein'd in better Obedience*, but Alaſs! *there were never more dangerous Tumults in* France, *or more frequent Revolts of Cities known, then in thoſe very times.*

(*m*) *De repub. lib.* 6. *Cap.* 2.

All *States* have tollerated *Uſuries* in one kind, or Rate or other, *And it is impoſſible* (ſaith the Lord (*n*) Bacon) *to conceive the Inconveniencies that will enſue not only to* Merchants, *but to all other Perſons if the borrowing of Moneys ſhould be cramp'd, and diſcouraged:* Therefore conſideration for Moneys lent, hath been entertain'd (as the *Scripture* ſaith)

(*n*) *Eſſayes.*

of

of the *Judaical Divorces*, for the *Hardneſs of* Mens *hearts*. And the *Endeavours* of aboliſhing thereof have proved ſometimes *Inconvenient, and Dangerous to the States* where it hath been attempted; To prove which *I* ſhall produce but one Example reported by *Cornelius*(o) *Tacitus*, who tells us, that in the Reign of *Tiberius Caſar*. [*Magna vis accuſatorum in eos irrupit qui pecunias fœnore auctitabant*, &c.] That a great *Rabble of Informers* roſe up againſt thoſe Perſons which took exceſſive *Uſury*, and thereupon every man calling in his *Debts*, on a ſuddain Enſued a great Want and Scarcity of Money, and an *Univerſal Diſcontent*, and the Aſpect of Affairs ſeem'd not very propitious, which being perceived by that *prudent Emperour*, he forthwith caus'd an Hundred Millions of * *Seſterces* of his own, to be put into the *Bank*, to be lent to all men that had Occaſion, for three Years without *Intereſt*, and thereupon all things became calm and ſedate again.

(o) *Annalium, lib.* 6.

* *l.* *s.* *d.*
7. 1466. 13. 4. *Sterling.*

Laſtly, though the *Exchequer* here be again opened (as in good time *I* hope it will) yet the Perſons therein concern'd will notwithſtanding ſuſtain *Infinite Dammage*, in point of irreparable loſs of thoſe Opportunities of advantagious *Bargains*, *Marriages*, and *ſundry other particulars, which in this Interval* have been offered unto them.

SECT. 9.

That this Councel is contrary to the Common Reaſon of Mankind, and in ſome reſpects againſt the Rules of Humanity. That it is pernicious to the Credit of his Majeſties Exchequer. *The caſe between* Phillip *the* Second *of* Spain, *and the* Bankers *of* Genoa, *truly ſtated, and demonſtrated to be eſſentially different from our caſe.* Campanella's *Advice to* King Phillip *to make ſpeedy Payment of that Debt.*

IT is a *Rule* that hath prevail'd among all Nations (as well *Barbarous* as *Civil*) That *Quod Omnes tangit ab omnibus debet ſupportari*. And again. *Qui ſentit commodum, ſentire debet & onus.* Where the Utility and Peril is common, there the Charge and Contribution ought to be common alſo. But *I* doubt if this *Councel* happen to be weighed in

this *Ballance* it will prove light, for as it is plain that the *Defence* of the Kingdom was at that time an *Utility* to the whole, ſo it is as evident that the *Charge* thereof was faſtned upon a *Part*. What is this but as if the *States* of *Holland* ſhould impoſe the Expenſe of *Defending* their *Country* from the *Sea*, upon a *Parcel* of their *People*? Or (if we may compare great things with ſmall) as if the *Banks* and *Walls* of the great *Level of the Fenns*, ſhould be maintained by a *ſmall* Number of the *Proprietors*? And yet this ſeems to be the preſent *Caſe*, and how far this Proceeding is agreeable to the *Common-Reaſon* of *Mankind*, I leave to the World to Judge.

But this is not all neither, For this Charge is not laid only upon a *Part*, but in great meaſure upon the *moſt Impotent* and *Neceſſitous* part of the Kingdom, and upon many of thoſe *Glorious Worthys* which (maugre all the *Temptations and Menaces of wicked men*) *preſerved their Virgin Loyalty Chaſt, and Undeflowred.*

I have obſerved that ſome perſons in *Parliaments* have uſed it as a *Motive* to *ſupply* our *Kings* with *Money*, becauſe ſay they, that which you give, is but like a *Vapour exhaled by the Sun*, which gathereth into a *cloud*, and in ſhort time *Diſtils* again upon the Earth in *gentle Dewes*, and *fructifying* ſhowers. But this *Advice*, what was it but to draw up the *Tears of Orphans* and *Widdowes*? the *Milk* of *helpleſs Babes*? *the Sweat of the Labourers brow*? *and the Heart blood of ſeveral poor* Loyaliſts, (*among others*) *to fertiliſate the Lands of many Perſons which* (*not to ſay worſe*) *wallow in all Affluence* and *Riches*? Or (if I may uſe a (*a*) *Scripture Metaphor*) to take *two Leggs*, or a piece of an *Ear* of a *Lambe*, which we had *reſcued* out of the *Jaws* of the * *Lyon*, and the *Wolves*, and give them to the *Rich men* that have many *Flocks* and *Herds*. For nothing is more *Evident*, then that many of thoſe poor Creatures, *that had but one hundred* Pound *in all the World, had that* All *taken from them towards the* Defence *of the* Kingdom, when many Others that were worth *hundred thouſands, expended not a Farthing* at that time. And now what ſhall I ſay more? ----*Pudet hæc Opprobia nobis.*

(*a*) *Amos* 3. 12. *compar'd with* 1 *Sam.* 12. 2. * Cromwel

Sequeſtrators, Committee men, decimators, &c

Et dici potuiſſe, & non potuiſſe refelli.
Quis, Talia Fando, Temperet a Lacrymis?

Now for the *Influences* this *Councel* may have upon his *Majeſties Exchequer*, in all likelyhood they cannot prove very *Propitious* and *Benigne*. Few things have been more dear to *Princes* then the *Reputation* and *Glory* of their Exchequers, And Queen *Elizabeth* was ſo punctual in this particular, that in her time (*they ſay*) it went for a Proverb. As ſure as

Checke.

Checke. For (as a great (*b*) Author Writes) *Outward esteem and Reputation is the same to great Persons, and Things, which the Skin is to the Fruit, which though it is but a slight and delicate Cover, yet without it, the Fruit will be subject to discolour, and Rot.* He that hath a Mind to contemplate the *Consequences* of a *discredited Treasury*, let him but consider the Cases of *Henry the second of France*, Reported by (*c*) *Bodine*, and of our King *Henry the 8th*, by the Lord (*d*) *Herbert* (for I would rather they should declare them then I) And I am afraid that when men shall be importun'd to lend Money upon any *future Occasion*, they will be apt enough to discourse within themselves, *That*, **That which hath been done, may be done again**, and that the *Moneys* of other men were secured unto them by Royal *Declarations*, Common-Law, and *Acts* of Parliaments, and that they cannot expect higher *Securities* then *these*, &c. It is true indeed, when the *Exchequer* is again opened, this *Objection* will be in good measure answered, but till *that Time* I fear it will remain, not Inconsiderable.

(*b*) Lord *Herberts. H. 8.*

(*c*) *Bodine* lib. 2. cap 4. *in fine.*

(*d*) Lord *Herberts.* Hen. 8. *last leaf but one.*

I shall no farther pursue the *Pestilence* of this *Councel* in this particular (it being so obvious to the meanest Understanding) but shall now State the *Case* between *Phillip* the Second of *Spain*, and the *Bankers* of *Genoa*, as I have extracted it out of the best * *Authors* I could find, which treat upon that Subject.

* *Thuani Hist.* lib. 61. *Anno. Dom.* 1575. *Metarani Hist. Belgica* Lib. 5. *Bodine de repu.* Lib. 6. *Campanella's Spanish Monarchy c.* 21. Heylyns *Cosmography in Genoa. Lassels. Voyage into Italy*, 1 *Part. pa.* 99. *cum multis aliis.*

Charles the Fifth Emperour of *Germany*, had for a long season revolved in his mind, how he might render the *State* of *Genoa* obsequious, and dependant upon himself, and this he did (among other Reasons) that he might, as occasion served, with the greater Facility Transport his Army's out of *Spain*, thorough this Territory, into *Italy*. In Order to this, sundry *Experiments* had he made, which yet by the *Jealousies* of that *People*, were alwayes rendred *Improsperous*. *Charles* (being as he was a Prince of prodigious *Subtility*) falls upon new *Counсels*, he considered he had to do with a *People* that dealt much in *Money*, and were generally great *Bankers*, and *Merchants*, and therefore concluded, that if by extraordinary *Usuries* he could allure *their Money* into his *Exchequer*, he should then be in possession of the best *Hostages*, they could give him, for their *Fidelity* and *Observance*. This *Emperour* dying, *Phillip* his Son, after his *Fathers* Example (to make the Birds more Confident, and less Jealous of the Snare) proceeds for some time to feed these unhappy *Money-Changers* with excessive *Usury*, till by this fine *Dexterity* he had conveyed into his hands no less then 40. *Dutch Tun of Gold*, some say *Eleven*, others *Eighteen Millions* of *Gold*, and then secures this *Debt* to them very fairly upon the *Tributes* of *Spain*, and the *Indies*. The silly *Birds* were now very secure, and Sate fair, and there wanted nothing but the *drawing* the Net.

There-

Thereupon King *Phillip* (being exhausted with his *Low-Country-Wars* and with all) sensible of the *Weight* of so ponderous a *Debt*, takes occasion at first, to cavil at some little *Misreckonings* in the *Accounts*, and a while after insisted that he had heretofore paid them more *Interest Money* then they ought to have received, and therefore (quoth he) that *Overplus* ought, in all Reason, to be deducted out of the *Principal*, and thereupon by *Publique* Edict (taking the *Opportunity* likewise of some *Civil discords*, which at that time *raged* among them) forthwith stops their *Pensions*, issuable out of the said *Tributes*. And then to *fortify* this *Act*, by secret *Combination* with the *Pope* (to render the Action more specious) procures a *Bull* from his *Holiness* to confirm all that he had done, however for so much *Principal* Money as was afterward agreed to be due (which in the Year 1600. I find was One *Million* and half of *Gold*) the *Crown* of *Spain* hath ever since to this day, *Justly* and *Honourably* satisfied the Interest.

This is the true *State of this Case* (according to my *Discovery* thereof.) Now it will be evident to any person that shall *compare* these *two Cases* together, that they differ each from other, in sundry *essential Circumstances*. For

First, this *Severity* of King *Phillip*, was not *exerted* upon *Children*, and *Subjects*, but upon a *Forreign State*, of which *Spain* had then just causes of *Apprehension* and *Jealousy*, and so the Action well enough consistent with the *Rules* of *Policy*.

Secondly, the *Envy* and *Enormity* of this *Feate*, was by a curious *Legerdemain juggled* upon his *Holiness*, and King *Phillip* to all outward appearance rendred innocent thereof: This *Debt* (saith *Peter* (*d*) *Heylin*) was cut off by the *Pope*'s Authority, that so King *Phillip* might be obliged to that See. *Hoc* debitum (saith (*e*) *Metaranus*) *per Pontificis decretum propter ingentes Usuras, fuit diminutum, & moderatum.* This *Debt* by the *Pope*'s Decree was moderated, upon pretence of excessive *Usury*. And (*f*) *Bodine* Droling *facetiously* upon the *Proceeding*, [Sed *risu digna res est*, saith he, *quod non modo Genuensibus, verum etiam Philipo*, &c.] It was thought very pleasant, and *Ridicule*, that not only the *Genoeses*, but *Phillip* also should be *Interdicted*, *He*, because he took Money to *Usury*, *They*, because they lent it. However they were *Both* (this being done only by *Compact*, and to give the better grace to this neat *Emunctare* or *Wipe*) in a little time Absolved again.

(*d*) Heylin's *Cosmograph.*

(*e*) *Metarani* Hist. *Belg* lib. 5.

(*f*) *Bodin* de Rep. lib. 9. cap. 2.

Thirdly, in this case the *Interest* Money was, and is *punctually satisfyed*, *and I wish I could affirm as much in Ours*.

Fourthly, I do not find that this *Debt* of the *Genoeses* was *secured* unto them, by any *Act* of the *Cortes*, or *Parliament* of *Spain*, and so the *Common Faith* of that *Nation* inviolate. But in our *case*, our *Debt* is

ſecured to the *Bankers*, and their *Aſſignees* by *National Obligation*, As I have, I think, above moſt evidently proved.

(g) *Campanella Span. Mon.* Chap. 21.

Laſtly, *(g) Campanella* the *Jeſuite* a man of infinite *Subtility*, and one that ſeems to be even *anxious*, and eaten up with *zeal*, for the *Grandeur* and *Proſperity* of *Spain*, the which he *cultivates* with ſo ſingular a *diligence* in his *Diſcourſe* of that *Monarchy*. This very *Man*, I ſay, doth with all his *vigor*, not only *Adviſe*, but *Importune* King *Philip*, with all *ſpeed* to pay this *Debt* to the *Genoeſes*. *Leaſt* ſaith he (among other Reaſons there given) *if there ſhould happen any Riſing in* Italy *to the prejudice of that King*, the Genoan *Banners might march alſo along with them for Company*.

So that then upon the whole Matter, I ſhall not much doubt to Marſhal our preſent *Caſe* of the *Bankers*, &c. Among the *Anomala*, or *Caſes* without Preſident, And may well uſe the words of the *Roman* * *Cryers*, (when they publiſht their *Ludi ſæculares*, or Sports ſhew'd but once in a *Century*, or *Age*,) *Venite, & videte, quod Nemo mortalium antequam vidit, neque poſtea viſurus eſt.* Come away (good People) and behold that which no man living hath ſeen before, or ſhall I ſuppoſe, ever (here) ſee again.

* Godwins *Romane Antiq.* li. 2. Sect. 3. cap. 8.

The Concluſion.

I Shall (I hope *Auſpicionſly* take the riſe of my *Concluſion* from two or three memorable *Records*. The one relating to *Widdows* and *Orphans*, the other to thoſe *Worthies* who with their *Lives* and *Fortunes* had many Years ago, *propugn'd* the *Rights* of the *Engliſh* Crown.

That which concerns the former I ſhall for the Excellency thereof (ſo far as it concerns my purpoſe) Tranſcribe *Verbatim*.

* Inter Communia termino. *Mich.* 35. *Hen* 3 *in Officio Remem. Theſ. in Scac. Rot.* 2. *Intus. Præceptum Domini Regis.*

* *Die veneris proximo ante Feſtum beati* Edwardi, *Anno Regni* Regis Henrici tertii 34. *venit Dominus* Rex *cum ſuo* Concilio *ad* Scaccarium, *& ibidem propria Die, præcepit omnibus* vicecomitibus Angliæ, *tunc ibidem exiſtentibus.* Imprimis *quod media omnibus obſervarent & manutenerent libertates ſanctæ Eccleſiæ, & ſimiliter manutenerent* Pupillos, Orphanos, *&* Viduas, *& celerem eis Juſticiam* Exhiberent, *&c.* Here we have, it Regiſtred in the *Records* of *Fame*, that the glorious King *Henry* the *Third*, came in his *own Royal Perſon* into his Court of *Exchequer*, environ'd with his Illuſtrious *Councellors*, and there with *his* own Mouth gave it in charge to all the *Sheriffs* of *England*, *That in the firſt Place* (next after holy *Church*) *they ſhould Defend the* (a) Orphans *and* Widdows, *and do unto them ſpeedy Juſtice.*

(a) Prov. 23. 14.

In

In the next place, for the **Loyal Worthies**. The great King *Edward* the first did (*b*) grant to his Loyal Subjects, *Gentlemen*, *Clarks*, *Souldiers*, and others of *Gascoigne*, their Heires and Successors [*Per le Reson de lour services, Et Rents, Terres, & Benifices qil ont perdu per le guerre qu ad este entre le Roy de France, e Nous*] (saith the Record) **In consideration of their services, and the loss of their Estates, and Benefices by Reason of their Loyalty to him during his Wars with France**, *All the Moneys arising out of the Dismes*, lately granted to him by the thrice holy Father Pope *Boniface* the 8*th*. And the better to secure the Performance hereof, the *King* doth there bind his Heires and Successors, and all his Goods and Chattels, thereto, The *Prince* of *Wales*, and some of the *Bishops* there promising, and several also of the *Nobles* there swearing upon the holy *Evangelists*, that (to their Power) they would see this Grant accomplished. And by an other (*c*) *Patent* he Assigns likewise *to the same Persons, for the same Reason, All the proffits of the Relgious Aliens within the Realm of England*, which he had then seised into his own hands by reason of the *French* Wars (Two *Boones*, or *Donatives* in those Days of no inconsiderable *valew*.)

(*b*) *Pat.* 30. *Ed.* 1. *Memb.* 12. *pro Hominibus de Vascon. de Decima R. concessa, eis assign.*

(*c*) Pat. 30. *Ed.* 1. *Memb.* 12. *De Exitibus terr. Alienigenarum in Anglia assign. Hominibus de Vascon. per Regem.*

Among several (*d*) *Articles* exhibited by the Lords of the Councel in the *Parliament* of 8*o*. of *H*. 6. and confirmed there by the Three Estates, and sworn there immediatly by the said Councel to be observed, the Eleaventh is this, *Verbatim*. ITEM, **that in Benefices and Offices longing to the Kings Disposition, when thai voiden thoo that hath ben Servants to the Kings Fader, or his Graundsire, or be to the King that now is, shall be prefferred thereto, so that there be found among hem Persons able thereto.** And three Year after, among the (*e*) Articles (pro Regni Commodo) brought by *John Duke* of *Bedford*, the Kings first Uncle, into *Parliament*, and there solemnly confirmed, this was one viz. *That a Book be forthwith made of such Old Servants and feeble, which had dispended their youths in the service of the Kings Grandfather, his Father, or himself, to the Intent that such of them,* (I shall give you the very words of the Record) **Which are without any livelyhood or** * **Guerdon, and so now in great Mischeif and Necessity, and some but easily guerdoned, and not like to their Desert and Service, may when Offices, and Corrodies fall, have them conferr'd upon them, having Consideration to the hability of them, and to the time that they have served. And in the same wise of Benefices, unto Clarkes.** And (if I may borrow an Example from a Neighbor State) the great (*f*) *Henry the* 4*th*. of *France* (his Majesties Grandfather) did by irrevocable * *Edict*, grant *large Donatives, and Pensions to those Faithful Worthyes, which had been Wounded, or Beggerd in his Service*. It seems to me these *Mighty Princes* did consider *Loyalty as a* Plant, *that would not prosper so well,*

(*d*) Rot. *Parl.* 8. *H.* 6. *Num.* 27. *Cokes* 4*th. Inst.* 56.

(*e*) Rot. *Parl.* 11. *H* 6 *Num.* 18. *Cokes* 4*th. Inst.* Fol. 56.

* *Reward.*

(*f*) *John de Serres in Vita H.* 4 *Francia.* * 7. *July* 1606.

unleſs it were *Watered a little at the Root*, I hope no body will think me ſo preſumptuous, or vain, as here to preſcribe *Examples*, & *Preſidents*. I know that when we have ſerved *God*, and the *King* with our *Lives* and *Fortunes*, we are notwithſtanding *Unprofitable Servants*, and have ſtill done but our *indiſpenſable Duties*, only this I ſhall ſay (and I ſpeak it with an humble *Modeſty*) That I hope we that were *Sufferers* for our *Loyalty*, ſhall not be forc't to **Compound** once more for our little *Eſtates*, but that *We* ſhall be thought *Now*, as worthy of enjoying the poor *Remnants*, and *Scraps* of our *Own* Fortunes, as theſe *Perſons* before us were, of receiving their *Guerdons*, *Donatives*, and *Rewards*. I do never without a ſecret *Exultation* of *Mind* conſider this following *Memoire*, that I find, of *Auguſtus Cæſar*: Upon the Defeat (ſaith my * Author) of *Mark Antony* at the Famous Battail of *Actium*, *Auguſtus* commenc'd *Emperour* of the *World*; ſome few Years after, a certain *Old Souldier* (that in this Battail had done *Cæſar* good ſervice) hapned to be impleaded for his *Life* before his *Imperial Majeſty*, and the *Senate*; The *Souldier* implores *Cæſar* (then preſent) to help him in this *Diſtreſs*, *Cæſar* recommended him to an able *Advocate*, the rough *Soldier* not contented with this, forthwith *rips* open his *Boſome*, and expoſing to the *view* of the whole *Court*, the Marks of the *wounds*, which he had received at the ſaid Battail of *Actium*; **Theſe Wounds** (quoth he) **O Cæſar, have I received on my mangled Body in thy Defence, and ſubſtituted no Deputy in my Place!** *Auguſtus* hereupon (overwhelm'd with the *Paſſionateneſs* of the Adventure) preſently *ſtood* up, and pleaded the *Soldiers Cauſe* himſelf, and carried it. An *Action* certainly well beſeeming an *Emperor* of the *World*! And are there not many wretched *Perſons* concern'd now with the *Bankers*, whoſe *Fathers*, *Husbands*, *Children*, and other *Relations* have aſſerted the *Crown* of *England* with their deareſt *Lives* and *Fortunes*? Nay, are not ſeveral of *that kind* yet ſurviving, which do yet bear in their *Miſerable* Bodies, the *Scars*, and glorious *Remarks* of their *Loyalty*, received in the Battails of *Edge-hill*, *Newberry*, *Naſby*, *Worceſter*, *Marſton Moor*, and indeed where not? And ſhall we imagine that our *Cæſar* (a *Prince* of ſuch eminent *Clemency* and *Juſtice*,) will ſuffer theſe *Perſons* and their *Families* to *ſtarve* for *Want* of that which is their *Own*? And that he will not *Proceed* (as he hath begun) to be an *Advocate* and *Interceſſor* for them in ſo Juſt a Cauſe?

* *Vita Octavii Auguſti, bound up in* Plutarchs *Lives.*

I dare be confident his *Majeſty* is inexpreſſibly ſenſible of this *Calamity*, which is fallen upon Us, and his Royal *Bowels* yern with *Compaſſion* towards us. Neither is the *Delay* of *Payment* hitherto (in purſuance of his *two latter Printed gracious Declarations) any *Defect* in His *Majeſty*'s innate *Juſtice*, but an *Excreſſence* and unhappy *Superfetation*

* *Declarations of 22d Jan.-71. And the 11th. of Dec.-72.*

of

of the first pernicious *Councel* of Shutting the *Exchequer*; to think otherwise were to *blaspheme* the greatest Sweetness of *Nature* in the World, And to *prophane* that Illustrious *Prince*, of whom no man ever yet form'd a *Thought*, but his mind was presently fild with the *Idea* of all that is *Great*, and *Just*.

For my part I am no *Projector*, and I have always in my own Nature abhominated all *Vermine* of that kind; But yet me thinks it is not impossible to design a *Course* how to pay off this Debt of the *Bankers*, and that by ways not only *Practicable*, and *Legal*, but *Grateful* also to the Kingdome.

I am not ignorant that I have here all along in this *Discourse*, dealt in an *Argument* of *Sublimity*, and *Importance*, of which a Man can hardly Write perhaps, without being in some measure *Sacrilegious*, Yet *Where the Perturbations of the Judgment, and Reason are so great, as in presumption of Law, Man's Nature cannot overcome, such Necessity carryeth a Priviledge in it self*; (saith no mean Author) And I hope *that Man* shall not be thought *Pragmatical*, or *busy*, that deals in a *Matter* in which the Fates of his *Ruin*, or *Happiness* are *imbarck't*. (*h*) L. Bacons *Maxims of* Law, Pa. 29.

There be many things which possibly I have *Forgot*, and some things which I have, perhaps, industriously *Omitted*. If any Matter have fallen from me *inconsiderately*, (as in so long a *Discourse* may easily happen) I do with unspeakable *Humility* and *Prostration* beg *Pardon*, requesting this one *Favour*, *That no Persons would hastily censure Me, or those Worthy Persons in my Condition, until they have first* with all Circumstances *represented Our Cases to themselves, as their Own, and then let them censure on, and spare Us not.*

Protesting in the last place that I have written nothing but with a *Mind* at all times ready to *sacrifice* the *Body* it dwells in, to the *Honour*, *Happiness*, and *Safety* of my Gracious *Soveraign*, and my Dear *Country-Men*, And upon that glorious Account prepared always to suffer *More*, then *He* or *They* deserve; that advised His Majesty to the stopping the *Exchequer*.

Illud omnium maxime tenendum erit a Principe, ut Fortunis alienis temperatum *fuisse cognoscatur: Nam citius* PARENTUM CÆDEM *Oblivioni dant Homines; quam* Fortunarum *suarum* Direptionem.
Nic. Machiavelli Princeps, *Cap.* 17.

Concilia callida, & audacia, primo fronte *Læta,* Tractatu *Dura,* Eventu *Tristia.* Erasmus *in* Epistolis.

His

His Majesties Declaration, *To all His Loving Subjects, to preserve Inviolable the* Securities *by him given for* Moneys, *and the due Course of* Payments *thereupon in the Receipt of the* EXCHEQUER.

WHereas *We* are given to understand, That divers of Our good and *Loyal Subjects, Goldsmiths* and *Others*, who have advanced to Us great Summs of Money for the Publick *Service*, which are sufficiently secured unto them upon several Branches of Our *Revenue*, and other *Moneys* arising by several late Acts of Parliament, have upon occasion taken from the late Attempt of the *Dutch Fleet*, and the false *Reports* spread thereof, been prest in an unusual manner, with many sudden *Demands* by their *Creditors*, for present *Payment*, through *Fears* and *Apprehensions*; *Which may weaken the Credit of Our said Subjects, who have been so useful to Us, Bring an undervalue on Our said Securities, And in consequence indanger the Publick Safety in this present Conjuncture:* We have therefore thought fit (as well for satisfying the minds of Our good Subjects, whose Fears so transported them to call for their *Moneys* in such a manner; as for the allaying such Jealousies and misapprehensions as may be taken up by those concerned in the said *Securities*) to **Declare**, as we do hereby declare, that as the *Course* of *Payments* in our *Exchequer* hath hitherto been punctual, and according to the due *Order*, even in this time of disturbance and interruption of Payments amongst our *Subjects*; so *Our* stedfast resolution for preserving inviolable to all such Our good Subjects, who have *Lent* or *Advanced* any Moneys for Our Service as aforesaid, All and every the *Securities* and *Assignements* any ways made by *Us* for and towards the *Repayment* and *Satisfaction* of the said several summs of Money: *And that We will not* **Upon any Occasion whatsoever** *permit or suffer any Alteration, Anticipation, or Interruption to be made of our said Subjects Securities; but that they shall from time to time receive the Moneys so secured unto them, in the same Course and Method, as they were charged, and ought to be satisfied.* **Which resolution we shall likewise hold firm and Sacred, in all Future Assignements and Securities, to be by Us Granted upon any other Advance of Money, by any of our Subjects upon any Future Occasion for Our Service.** And we cannot doubt upon the publishing this our **Royal Word** and *Declaration* of Our **Sincere Intention**, but that all reasonable Persons will rest satisfied that their Fears were causeless, and their respective Interests in no danger at all, and that no evil can happen to them on this Occasion; since **the Securites by Us to them given being inviolable**, we doubt not but that our said *Subjects* will satisfie every person both their *Principal* and Interest, as they have formerly done with untainted *Reputation*. And of this our *Declaration* we straitly Charge and Command our High *Chancellor* of *England*, the Lords Commissioners of our Treasury, the Chancellor and Under-Treasurer of our *Exchequer*, and all other our Officers and Ministers whatsoever, whom it doth or may concern, to take notice and duly to observe the same, as they will be Answerable to Us at their utmost Perils.

Given at Our Court at Whitehall, this 18th. day of June *1667. And in the Nineteenth Year of Our Reign.*

The

The Postscript to the Letter.

THus (Sir) I have (as you see for the *Model* of my weak *Talent*) discovered the *Enormity*, and pernicious *Influences* of this *Advice*. And according to the *Meanes* of my *Opticks*, have taken the *Height*, and *Dimensions* of this Dreadful *Comet*, so *Portentous* in its *Tail* of *Consequences*. I take *God* to witness I have done this, without the least *Malice*, or *designe* against any man's Person, of what *Degree* or *Quality* soever; indeed if any One shall come from behind the *Curtain*, and with a *Bare* and open *Face* shall say, **I am the man that gave this Advice.** That Person I must confess (and only that person) hath not escap't my *Animadversions*, and from *Him* only, and no *Body* else, I hope I can (with any *Reason*) expect *Reproof*. And then let all *Mankind* judge, whether of the *Two* is more to be blamed, and whether hath shewed greater *Loyalty* to his *Soveraign*, **He** that hath lead his *Prince* out of the *Old Via Regia*, or King's High way, into *By*, and *untrodden Paths*, unknown *to the Law*, and to walk upon *Precipices*, or **He** that hath given an honest *Alarm*, or *Outcry* of this evil *Dealing*. **Surely** (saith **Rawleigh*) **that State is in no good condition, where the Justly Accused, shall take Revenge upon the Just Accuser, And where He that would save his Prince, must ruine himself.**

* His Prerogative of Parliament.

The Lord Treasurer *Burleigh* (under whose **Old English Councels** this *Kingdome* flouriſht, and became *Formidable* to all the world, and *One* perhaps that better understood the *Genius* and *Temper* of this *Nation* then this *Advisor*) was used to tell his Queen. (*a*) *Madam* (saies he) **Win Hearts, and you'l be sure of Hands, and Purses.** And *Dion* (in (*b*) *Plutarch*) doth admonish the Son of King *Dionysius*. *That the* **Love** *of the* **Subject** (*obtained by Vertue, and* Justice) *is the strongest Guard and Security of a Prince.* And to this accords a far greater *Author*, even that glorious *King* and *Martyr*, *Charles* the First of immortal *Memory*, who tels us in his incomparable (*c*) *Meditations*. **That the Hearts of Subjects, are the best Ammunition, and greatest Treasure of a King**, Other *Revenues* of the *Crown*, consisting of goodly *Demeans*, *Customes* and the like, may be impair'd by *Pensions*, and *Annuities*, and clearly alienated by *Grants*, But this *Revenue* alone of the Subjects *Love*, is obnoxious to no *Charge*, or *Incumbrance*, this *Treasure* can never be anticipated, this *Mine* never Exhausted. It is this *Love* (Sir) which *Obeys*, which *Suffers*, which *gives*, which *sticks* at Nothing. *And which hath alwayes proved a stronger Wall and Defence to the Kings of* England, *then the Sea is to the Kingdome*, How to preserve and Increase it, no man knows better then

(*a*) *Cottoni posthuma* p. 312.

(*b*) *vita Dionis.*

(*c*) Βασιλικὴ Δωρεὰ. *Meditation* 10. in fine.

then his most Gracious *Majesty*, how to lose it all men know, and know it is lost by nothing sooner then by the countenancting of *Illegal Advices*, he was a wise (*d*) King that said, That the Throne was establisht by Justice!

(*d*) *Solomon Pro.* 16. 12.

The Great God of *Heaven* and *Earth*, and my own *Conscience* will be my *Compurgators*, and Witnesses, that whatever I have said in this *Discourse*, I have done it with a most *Ardent*, and Passionate *Desire* of the *Honour*, and *Prosperity* of my dread *Soveraign*, and an unfeined *Love* to my dear *Countreymen*, and to raise and *Enkindle* (as well as I could) an Universal *Disposition* in this *Kingdome*, towards the Payment of this Debt; That thereupon so considerable a *Part* of the English *Nation* (as are concern'd with the *Bankers*) may not be *overwhelm'd* with an inevitable *Ruine*, and that so great a *Member* thereof, may not be ravisht, and *torn Limbmeal* from the *Body* of this *Common-wealth*.

I shall, probably, be thought (by some Persons) to have prosecuted this *Argument* with a warmer *Zeal* than became me, and to have *Sallied* out sometimes, perhaps, into *Extravagancy* and *Inconsideration*: I can only *Reply* That my **Vouchers*, and * *Authorities* are generally so *Sacred* and *inviolable*, that nothing (less then *Heaven*) can be *more*, And by me truly, and carefully *quoted*. That after my neareſt *Relations* have *Devoted*, and *Sacrificed* their *Persons* and *Estates* to their *Allegeance* (part of which *Sufferings* I may with very good *Reason* call my *Own*) no Body, I hope, can with the least *Colour* suppose, that I should now *Degenerate* into a *Wild*, and *sowre Fruit*. That the *Necessity*, and *Want of a Man's Own, are Spurs sharp and Invincible*; And Lastly, that I have been *actuated* all along in this *Discourse*, with no other *Impulses* of *Mind*, then those which loosen'd the *Tongue* of the *Dumb* Son of King *Crœsus*, when he saw a *Soldier* ready to offer *Violence* to his *Father*, crying out It is the King! At whose *Royal Feet* I am alwayes ready upon *Occasion* to lay down my *Life*, together with that poor *Mite*, or *Fragment* of *Estate*, which the *Sequestrators*, &c. and this *Advisor*, have left me: Praying (in the *Scripture* Language) That God would strike thorough the Loins of all them that hate His Majesty, but that upon his own Royal Head, his Crown may for ever flourish.

* *Records of Parliament &c. The Deeds, and Councels of Mighty Princes, and States, Politicians, Judges, &c.*

I am

Sir, your most Affectionate

Servant,

THO. TURNOR.